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Senate

The Senate met at 10 a.m. and was called to order by the Presiding Officer, the Honorable MARK DAYTON, a Senator from the State of Minnesota.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, we belong to You. You gave us our talents, nurtured us by parents and teachers and friends, opened doors of opportunity we could never have pried open without You, and gave us creative vision of what we were to accomplish. You have been the author of our insights and the instigator of solutions to problems. We praise You for all that You have provided us so we can serve our Nation.

We thank You for the people You have sent to the Senate. Today we especially thank You for Gary Sisco as he completes his time of service as Secretary of the Senate. We thank You for his deep faith, his commitment to the work of Government through the Senate, and his loyalty to all of us as friends. We humbly thank You for all that we have and are because of Your incredible generosity. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK DAYTON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 11, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK DAYTON, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DAYTON thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Pennsylvania be given his full 15 minutes. The two 15-minute spots would take us probably to 10:35 or thereabouts. I ask unanimous consent that Senator SPECTER control the first 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 2217

Mr. REID. Mr. President, I further ask unanimous consent that the Senate proceed to H.R. 2217 at 10:35 this morning. I note to anyone within the sound of my voice, we have been in touch with Senator CRAIG and Senator KYL who had some suggestions last night in moving to this bill. Their questions have been answered.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania.

NOMINATION OF ROBERT MUELLER

Mr. SPECTER. Mr. President, I have sought recognition this morning to comment about the confirmation hearings which are scheduled later this month for Mr. Robert Mueller to be Director of the Federal Bureau of Investigation. That position arguably is as important as any position in the United States of America, perhaps even the most powerful position.

The statutory 10-year term is 2 years longer than the maximum a President may serve under the Constitution. The Director of the FBI has power over the largest investigative organization in the world, global in its exposure.

There are an enormous number of problems which have befallen the agency in recent years. The confirmation hearing will provide a unique opportunity for oversight for the U.S. Senate to seek to establish standards as to what the FBI should be doing in cooperating with congressional oversight.

The FBI is a well-respected organization. I have had very extensive opportunities to work with the FBI. After graduation from college, I was in the Air Force Office of Special Investigations for 2 years and had training from the FBI. The commanding officer of the OSI was a former top aide to Director J. Edgar Hoover. I worked with the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

FBI on the prosecution of the Philadelphia Teamsters, an investigation which was conducted by the McClellan committee, with then-general counsel, Robert Kennedy, and saw their very fine work. Then, as Assistant Counsel to the Warren Commission, I worked with the FBI; then as district attorney of Philadelphia and for the last 20 years extensively on the Judiciary Committee.

I have great respect for the Federal Bureau of Investigation. At the same time, my experience has shown me that there is an over concern by the personnel of the FBI with their so-called institutional image and that there cannot be a concession of any problems, which is really indispensable if problems are to be corrected.

(Disturbance in the visitors' galleries.)

The ACTING PRESIDENT pro tempore. Will the Sergeant at Arms restore order in the galleries.

Mr. SPECTER. We have a nominee who has been put forward by the President who has very impressive credentials: United States Attorney in Boston, United States Attorney in San Francisco, 3 years as Assistant Attorney General in the Justice Department, where I had contacts and saw his impressive work.

He will be succeeding a man, Director Louis Freeh, who came to the Bureau with extraordinary credentials and overall did a good job, although he presided over the Bureau at a time when there were many institutional failures.

I analogize Director Freeh to the little boy on the Netherlands dike running around putting his finger in all the holes to try to stop the water from coming through. With so many holes and so many problems, it was not possible.

I believe similarly that the Congress, including the Senate and the Senate Judiciary Committee, has not been sufficiently active on oversight. These hearings will give us an opportunity to set standards as to what the FBI should be doing in response to oversight activities by the Senate Judiciary Committee.

I had an opportunity to talk for the better part of an hour yesterday to FBI Director-designee Mueller and went over quite a number of issues that I intend to ask him in the public forum.

I comment about these today because the Senate ought to be preparing for this hearing with unique care for this very important position.

One of the matters I intend to discuss with Mr. Mueller in the confirmation hearings is the failure of the FBI to turn over for congressional Senate oversight a memorandum dated December 9, 1996, which was written at a time when there was a question as to whether Attorney General Reno was going to be reappointed by President Clinton. At that time, the campaign finance investigation was just being started. There was a conversation by a top FBI official Esposito, with a top Department of Justice official Lee Radek, and FBI Director Freeh wrote this memorandum to the file to Mr. Esposito actually. Referring to a meeting that he had with the Attorney General on December 6, Director Freeh wrote this memo December 9:

> I also advised the Attorney General of Lee Radek's comment to you that there was a lot of ''pressure'' on him and the Public Integrity Section regarding this case because the ''Attorney General's job might hang in the balance'' (or words to that effect).

This memorandum did not come to the attention of the Judiciary Committee until April of 2000, some 3½ years later, when, in my capacity as chairman of the subcommittee on Department of Justice oversight, a subpoena was issued for all of the FBI records and writings relating to the campaign finance investigation. When this memo was discovered, Director Freeh was questioned as to why he hadn't turned it over for Judiciary Committee oversight, because it was the view of many that it absolutely should have been done.

Director Freeh defended his inaction on the ground that it would have compromised his relationship with Attorney General Reno. But notwithstanding that fact, it is my view that this is the sort of oversight the Judiciary Committee must undertake. This will be the subject of my questioning of Mr. Mueller during the confirmation hearing.

Director Freeh declined to appear voluntarily before the Judiciary Committee or the subcommittee to comment about this memorandum, and the committee decided not to issue a subpoena, which I thought should have been done.

It is my view that when a matter of this importance comes to light there ought to be a public inquiry as to what happened between the Attorney General and the Director of the FBI. It takes a congressional committee to get to the bottom of that. When Attorney General Reno testified, she said, ''I don't recall that, but if that had come to my attention, I certainly would have done something about it.'' In my view, anybody who is going to be confirmed for FBI Director has to have a commitment to making this sort of information available to Senate oversight.

Another matter which I intend to question Mr. Mueller about is the insistence of the FBI on not cooperating with Senate oversight where there is a pending criminal investigation. Now, I understand the sensitivity of a pending criminal investigation, having some experience as a prosecutor myself, but the case law is plain that congressional oversight is so fundamental and so important that it may proceed even as to pending criminal investigations. But that has not been honored by the Department of Justice or by the FBI. And in the case involving Dr. Wen Ho Lee, the subcommittee on the Department of Justice oversight was stymied at every turn by the FBI refusing to make available information, citing a pending criminal investigation.

Now, the chairman of the committee and the ranking member, or chairman and the ranking member of the subcommittee, have standing, it seems to me, on a discrete inquiry, carefully controlled, where the prosecution would not be compromised. That is the role of oversight. But when Wen Ho Lee was indicted on December 11, 1999, immediately, the FBI used that as a reason to resist any further Senate oversight. And there was a real question of why the FBI and the Department of Justice allowed Dr. Lee to remain at large after a search of his premises in April of 1999 was conducted, and then he was at liberty, at large, until December when an arrest warrant was issued. Suddenly, he became more problematic than public enemy No. 1, when he was put in manacles and solitary confinement, in a situation which had all the earmarks of an effort at the top of the Justice Department and FBI to coerce a guilty plea.

After the guilty plea was entered, Judiciary Committee oversight had been further stymied by the refusal of the FBI to allow access to what was going on because Dr. Lee was still being debriefed. Here again, I believe the Judiciary Committee is entitled to a commitment that oversight will be respected, and the case law will be respected, and that there may be oversight even on pending criminal investigations.

In the case of Hanssen, who has just entered a guilty plea on an arrangement to be spared the death penalty, raises some very fundamental questions that need to be answered as to procedures in the Federal Bureau of Investigation. Although this matter did not come to light until very recently, in August of 1986, Hanssen's voice was recorded by an FBI wiretap on his Soviet contact's telephone. In 1992, Hanssen improperly accessed his supervisor's computer. In 1997, Hanssen began to search the FBI computerized case database for his name, his home address, and for terms referring to espionage activities.

A question arises, what steps have been taken by the FBI to detect a spy such as Hanssen? There was a very probing report issued by the inspector general of the CIA after Aldrich Ames was detected as a spy, and the inspector general of the CIA, Fred Hitz, wrote this in the report:

> We have no reason to believe that the directors of Central Intelligence who served during the relevant period were aware of the deficiencies described in this report.

That relates to Aldrich Ames.

> But directors of Central Intelligence are obligated to ensure that they are knowledgeable of significant developments relating to crucial agency missions. Sensitive human source reporting on the Soviet Union and Russia during and after the Cold War clearly was such a mission, and certain directors of Central Intelligence must therefore be held accountable for serious shortcomings in that reporting.

Now, what that does essentially is to say that the Directors are at fault, even though they didn't know about Aldrich Ames, or have reason to know about Aldrich Ames, because the presence of spies in the Central Intelligence Agency so threatens national security that the Directors have an obligation to find out about it. If you make it an absolute responsibility, that, according to the CIA inspector general, would put the pressure on the Directors to find out about it.

The three Directors of the Central Intelligence Agency who were in office during the time Aldrich Ames functioned—Judge Webster, Gates, and Woolsey—responded with a very hot letter denying responsibility and saying that the standard set by the CIA inspector general was too high. Well, this is a subject I have discussed preliminarily with Mr. Mueller and intend to ask him about.

It is a very tough standard to say that a public official is liable for matters that he didn't know about or didn't have reason to know about. But if our Nation's secrets are to be guarded, and if we are to be secure from spies such as Ames and Hanssen, this is a matter that we are going to have to determine as to what is the appropriate standard.

When I talked to Mr. Mueller, I didn't ask him for a response, but this is another subject that will be probed during the course of the confirmation hearings. The issues of management in the FBI are just gigantic; they are enormous. We have seen repeated failures by the Federal Bureau of Investigation to come forward with documents in a timely manner. In the McVeigh case, for example, the FBI had reason to know as early as January of this year that all of the documents relating to McVeigh had not been turned over to McVeigh's lawyers. Yet those documents were not made available until May. And then there was the issue about the fairness to McVeigh. No doubt he was guilty; he had confessed to the most horrendous crime in American history, where 168 people were killed in a Federal building in Oklahoma City—women, children, men, going there for official business, blameless, and it was done in a cold, calculated way.

There was no doubt as to guilt or as to the justification for the death sentence which was imposed, but there was an obligation on the part of the prosecution to turn over all the papers. There may have been something which bore on sentencing. Here you had a 5-month delay where the Federal Bureau of Investigation had reason to know that all those documents were not turned over.

The question is: What is to be done in the management of the Federal Bureau of Investigation to avoid this sort of an error? In an age of computerization and mechanization, we search for an answer and really must find a way that the FBI will correct these kinds of problems.

A similar issue was confronted in the Waco matter. It was an incident which occurred on April 19, 1993, where the compound was attacked and where so many people lost their lives in one of the most controversial incidents in American history, but it was not until August of 1999 that the FBI suddenly found a whole ream of records. Here again, management responsibilities require something much, much better than that.

The incident at Waco is really a very sad chapter in American history for many reasons: The confrontation, the deaths, the failure of congressional oversight, the failure of candid disclosure by the officials who were in charge.

On April 28 of 1993, Attorney General Reno and then FBI Director William Sessions testified before Congress that no pyrotechnic tear gas rounds were used at Waco. The hostage rescue team commander, Richard Rogers, who was present for their testimony but who did not testify, did not correct them.

Regrettably, that is an occurrence which has happened too often where there is a concern about the FBI institutional image which blinds people who ought to be coming forward and who ought to be making a disclosure as to what the facts were when there is congressional oversight and you have critical testimony by the Attorney General of the United States and by the Director of the FBI.

When Mr. Mueller and I talked yesterday, we discussed at some length the culture of the Federal Bureau of Investigation and the difficulties of even the Director finding out what is going on in the FBI. That is a challenging task which Robert Mueller is going to have to confront.

In the context of what has happened with Wen Ho Lee, Waco, McVeigh, Hanssen, and the campaign finance investigation, these are issues which need to be very thoroughly explored in the confirmation hearing, and we ought to come to some common understanding between those of us who have oversight responsibilities on the Judiciary Committee and the Director of the FBI as to what his standard will be and what we think the standard should be so that we can come to a meeting of the minds or so that we may not confirm a Director who does not measure up to what Congress thinks is required as a matter of legitimate oversight.

At the same time, as I suggested before, Congress has not done its job on oversight. We had the incident at Waco on April 19 of 1993. In my view, there should have been a prompt, detailed, piercing oversight investigation of what went on there. It was not until former Senator Danforth undertook that investigation in 1999 that anything really was done.

Who can say as to the bombing of the Oklahoma City Federal building 2 years to the day after the Waco incident, when the Oklahoma City bombing occurred on April 19, 1995, whether that was related to the Waco incident or whether it might have been prevented had there been vigorous congressional oversight?

In 1995, I served as the chairman of the Subcommittee on Terrorism and moved to have oversight hearings at that time on both Waco and Ruby Ridge because I thought a great deal more needed to be done. Finally, the subcommittee was permitted to have oversight as to Ruby Ridge.

That was an incident where Randy Weaver was on the mountain and refused to come down. There was a veritable army which approached him and had a firefight, and a U.S. marshal was killed in the process.

The oversight in which the Terrorism Subcommittee got to the bottom of the matter, and to the credit of FBI Director Louis Freeh, the FBI changed the rules of engagement related to the use of deadly force in what was a very important matter.

When we finished the hearings, Mr. Weaver said in the hearing room, had he known there was going to be this kind of congressional oversight, he would have come down from the mountain if he had believed there would be an inquiry and an appropriate resolution.

It was at that time that militia were springing up in some 40 States across the United States. If Congress exercises appropriate oversight, it is my view that will do a great deal to quell public unrest and public doubts as to what is happening with Federal action in a place such as Ruby Ridge and Federal action in a place such as Waco.

In summary, these are matters which are of the utmost importance when we will be confirming the next Director of the FBI, an occurrence which happens only once every 10 years because it is a 10-year turn, although a Director may leave earlier. Louis Freeh is leaving after 8 years, a term of office longer than the maximum a President may serve under the Constitution. The Justices of the Supreme Court have enormous power on 5–4 decisions establishing the law of the land, but there are four others who go with the one deciding vote.

The FBI, with all of its power—most of what it does is necessarily confidential and secret—requires that there be very profound changes in FBI management on the items which have been mentioned and an attitude that will not emphasize the institutional image to the sacrifice of not having appropriate congressional oversight, not having appropriate congressional disclosure of the memorandum referred to, having appropriate congressional disclosure when a matter is pending, even if it is a criminal matter.

Mr. President, I ask unanimous consent that the full text of the memorandum from Director Freeh, dated December 9, 1996, be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 9, 1996.

To: Mr. Esposito.
From: Director, FBI.
Subject: Democratic National Campaign Matter.

MEMORANDUM

As I related to you this morning, I met with the Attorney General on Friday, 12/6/96, to discuss the above-captioned matter.

I stated that DOJ had not yet referred the matter to the FBI to conduct a full, criminal investigation. It was my recommendation that this referral take place as soon as possible.

I also told the Attorney General that since she had declined to refer the matter to an Independent Counsel it was my recommendation that she select a first rate DOJ legal team from outside Main Justice to conduct the inquiry. In fact, I said that these prosecutors should be ''junk-yard dogs'' and that in my view, PIS was not capable of conducting the thorough, aggressive kind of investigation which was required.

I also advised the Attorney General of Lee Radek's comment to you that there was a lot of ''pressure'' on him and PIS regarding this case because the ''Attorney General's job might hang in the balance'' (or words to that effect). I stated that those comments would be enough for me to take him and the Criminal Division off the case completely.

I also stated that it didn't make sense for PIS to call the FBI the ''lead agency'' in this matter while operating a ''task force'' with DOC IGs who were conducting interviews of key witnesses without the knowledge or participation of the FBI.

I strongly recommend that the FBI and hand-picked DOJ attorneys from outside Main Justice run this case as we would any matter of such importance and complexity.

We left the conversation on Friday with arrangements to discuss the matter again on Monday. The Attorney General and I spoke today and she asked for a meeting to discuss the ''investigative team'' and hear our recommendations. The meeting is now scheduled for Wednesday, 12/11/96, which you and Bob Litt will also attend.

I intend to repeat my recommendations from Friday's meeting. We should present all of our recommendations for setting up the investigation—both AUSAs and other resources. You and I should also discuss and consider whether on the basis of all the facts and circumstances—including Huang's recently released letters to the President as well as Radek's comments—whether I should recommend that the Attorney General reconsider referral to an Independent Counsel.

It was unfortunate that DOJ declined to allow the FBI to play any role in the Independent Counsel referral deliberations. I agree with you that based on the DOJ's experience with the Cisneros matter—which was only referred to an Independent Counsel because the FBI and I intervened directly with the Attorney General—it was decided to exclude us from this decision-making process.

Nevertheless, based on information recently reviewed from PIS/DOC, we should determine whether or not an Independent Counsel referral should be made at this time. If so, I will make the recommendation to the Attorney General.

Mr. SPECTER. Mr. President, I ask unanimous consent that an extract of a report from CIA Inspector General Frederick Hitz be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

We have no reason to believe that the DCIs who served during the relevant period were aware of the deficiencies described in this report. But DCIs are obligated to ensure that they are knowledgeable of significant developments related to crucial Agency missions. Sensitive human source reporting on the Soviet Union and Russia during and after the Cold War clearly was such a mission, and certain DCIs must therefore be held accountable for serious shortcomings in that reporting.

Mr. SPECTER. I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

PRESCRIPTION DRUGS

Ms. STABENOW. Mr. President, I rise to express grave disappointment and concern that yesterday the Secretary of Health and Human Services, Tommy Thompson, indicated he would not implement a bipartisan law passed by this Congress last session. This legislation would open the borders of our country so that American citizens, who pay for a good share of the research done on prescription drugs in this country, to support the development of medications that are desperately needed, could get the best price for American-made, FDA-safety-approved medications from other countries such as Canada.

Last year, Congress passed a bill that says we will no longer protect the prices charged in this country that disadvantage our citizens by stopping us from free commerce across the border. I supported this effort in the House of Representatives. I find it ironic, at a time when our President talks about wanting free trade authority and expanding free trade, that we stop our citizens at the border from being able to benefit from free trade regarding the purchase of prescription drugs.

Yesterday, the Secretary of Health and Human Services said he was concerned about the safety of reimported prescription drugs. We addressed those concerns in the previously approved legislation. Further, I have introduced legislation called the Medication Equity and Drug Savings Act, S. 215, the MEDS Act, that addresses the safety concerns expressed by former Secretary Shalala. My bill guarantees in the clearest terms that American labels will be used on the wholesale products that come from another country and that there will be complete safety precautions to make sure Americans will be receiving American-made, safe, FDA-approved drugs.

What is the difference in cost for prescription drugs? The difference is clear when I stand in Detroit, MI, and I look across the river, I know that prices for American-made prescription drugs can be cut in half for my constituents with a quick 5 minute drive across the bridge to Canada. In some cases, the savings are even greater. Tamoxifen, a breast cancer treatment drug, is $136 a month in Michigan. Last year, we drove across the bridge with a group of seniors to purchase the exact same medicine; the price was only $15. There is something wrong with this picture.

The bill the Secretary chose not to implement would have begun to address this price difference by opening the borders, to make sure our hospitals, our businesses, and our pharmacists, could develop business relationships with wholesalers in other countries to bring back drugs at a lower cost and make sure our citizens could get medication at lower prices.

Today I urge my colleagues to join together again in a bipartisan way to act. We must guarantee that this law will be put into effect this year, whether it be by passing my legislation, making changes on another bill, or including it in Medicare prescription drug legislation which is so critical. We must act now. Over and over again I hear from families in my State and States across our country. Families, seniors, individuals with disabilities, and working people with ailments are all concerned about the high costs of prescription drugs. People are having to choose between paying the electric bill, getting their food, or getting their medicine. In the great United States of America, this great country, that should not be happening.

I express grave concern and disappointment about the decision and the information released yesterday by the Secretary. I urge him and invite all my colleagues to join with me to address this issue in a way that will allow opening of the borders to reaffirm competition for the best, lowest price for the safest prescription drugs that are manufactured in this country, that our citizens help to subsidize. Whether through the R&D tax credit, through funding the Federal labs, or through other efforts, taxpayers help to develop these prescriptions. We helped fund the development of the medication, and Americans pay top dollar compared to anybody in the world for these same prescription drugs. It is not right.

It is time now to act to make sure we can truly reduce the costs of one of the most important parts of the health care system today—medicines for our people, for the families of America. We deserve a break. Unfortunately, the roadblock was maintained yesterday. It is time to take down the barrier at the border and allow our people to buy prescription drugs wherever they can get the best price. I urge we act as quickly as possible.

Mr. BURNS. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will begin consideration of H.R. 2217, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30th, 2002, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $775,962,000, to remain available until expended, of which $1,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act; of which $4,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,000,000 shall be available in fiscal year 2002 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,298,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $775,962,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors: Provided further, That of the amount provided, $28,000,000 is for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided further, That balances in the Federal Infrastructure Improvement account shall be transferred to and merged with this appropriation, and shall remain available until expended.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $589,421,000, to remain available until expended, of which not to exceed $19,774,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That unobligated balances of amounts previously appropriated to the ''Fire Protection'' and ''Emergency Department of the Interior Firefighting Fund'' may be transferred and merged with this appropriation: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities.

For an additional amount to cover necessary expenses for burned areas rehabilitation and fire suppression by the Department of the Interior, $70,000,000, to remain available until expended, of which $50,000,000 is for wildfire suppression and $20,000,000 is for burned areas rehabilitation: Provided, That the entire amount appropriated in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That these funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $12,976,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $220,000,000, of which not to exceed $400,000 shall be available for administrative expenses and of which $50,000,000 is for the conservation activities defined in section 250(c)(4)(E)(xiii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $45,686,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $106,061,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and

density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181–1 et seq., and Public Law 103–66) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: Provided further, That section 28f(a) of title 30, United States Code, is amended:

(1) In section 28f(a), by striking the first sentence and inserting, ''The holder of each unpatented mining claim, mill, or tunnel site, located pursuant to the mining laws of the United States, whether located before, on or after the enactment of this Act, shall pay to the Secretary of the Interior, on or before September 1 of each year for years 2002 through 2006, a claim maintenance fee of $100 per claim or site''; and

(2) In section 28g, by striking ''and before September 30, 2001'' and inserting in lieu thereof ''and before September 30, 2006''.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $845,714,000, to remain available until September 30, 2003, except as otherwise provided herein, of which $31,000,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That balances in the Federal Infrastructure Improvement account shall be transferred to and merged with this appropriation, and shall remain available until expended: Provided further, That not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: Provided further, That not less than $2,000,000 for high priority projects which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided further, That not to exceed $9,000,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)): Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $55,526,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $108,401,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $50,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: Provided, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish, or supplement existing, landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, or candidate species, or other at-risk species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: Provided, That the amount provided herein is for the Secretary to establish a Private Stewardship Grants Program to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, or candidate species, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $91,000,000, to be derived from the Cooperative Endangered Species Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(v) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $42,000,000, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E)(vi) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–

4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $4,000,000, to remain available until expended: Provided, That funds made available under this Act, Public Law 106–291, and Public Law 106–554 and hereafter in annual appropriations acts for rhinoceros, tiger, Asian elephant, and great ape conservation programs are exempt from any sanctions imposed against any country under section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1).

STATE WILDLIFE GRANTS

(INCLUDING RESCISSION)

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, the Northern Mariana Islands, and American Samoa, under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $100,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That the Secretary shall, after deducting administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof: and (B) to Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: 30 percent based on the ratio to which the land area of such State bears to the total land area of all such States; and 70 percent based on the ratio to which the population of such State bears to the total population of the United States, based on the 2000 U.S. Census; and the amounts so apportioned shall be adjusted equitably so that no State shall be apportioned a sum which is less than one percent of the total amount available for apportionment or more than 10 percent: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: Provided further, That any amount apportioned in 2002 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2003, shall be reapportioned, together with funds appropriated in 2004, in the manner provided herein.

Of the amounts appropriated in title VIII of Public Law 106–291, $49,890,000 for State Wildlife Grants are rescinded.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 74 passenger motor vehicles, of which 69 are for replacement only (including 32 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,473,128,000, of which $10,881,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended; and of which $17,181,000, to remain available until September 30, 2003, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, for high priority projects: Provided, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $66,106,000.

CONTRIBUTION FOR ANNUITY BENEFITS

For reimbursement (not heretofore made), pursuant to provisions of Public Law 85–157, to the District of Columbia on a monthly basis for benefit payments by the District of Columbia to United States Park Police annuitants under the provisions of the Policeman and Fireman's Retirement and Disability Act (Act), to the extent those payments exceed contributions made by active Park Police members covered under the Act, such amounts as hereafter may be necessary: Provided, That hereafter the appropriations made to the National Park Service shall not be available for this purpose.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $65,886,000.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $20,000,000, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E)(x) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $74,000,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2003, and to be for the conservation activities defined in section 250(c)(4)(E)(xi) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That of the amount provided $30,000,000 shall be for Save America's Treasures for priority preservation projects, including preservation of intellectual and cultural artifacts, preservation of historic structures and sites, and buildings to house cultural and historic resources and to provide educational opportunities: Provided further, That any individual Save America's Treasures grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations prior to the commitment of grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior: Provided further, That none of the funds provided for Save America's Treasures may be used for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $338,585,000, to remain available until expended, of which $60,000,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2002 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $287,036,000, to be derived from the Land and Water Conservation Fund, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E)(iii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, of which

$164,000,000 is for the State assistance program including $4,000,000 to administer the State assistance program, and of which $11,000,000 shall be for grants, not covering more than 50 percent of the total cost of any acquisition to be made with such funds, to States and local communities for purposes of acquiring lands or interests in lands to preserve and protect Civil War battlefield sites identified in the July 1993 Report on the Nation's Civil War Battlefields prepared by the Civil War Sites Advisory Commission: Provided, That lands or interests in land acquired with Civil War battlefield grants shall be subject to the requirements of paragraph 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)(3)): Provided further, That of the amounts provided under this heading, $15,000,000 may be for Federal grants to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed; and $16,000,000 may be for project modifications authorized by section 104 of the Everglades National Park and Expansion Act: Provided further, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: Provided further, That none of the funds provided for the State Assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 315 passenger motor vehicles, of which 256 shall be for replacement only, including not to exceed 237 for police-type use, 11 buses, and 8 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $892,474,000, of which $64,318,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $8,000,000 shall remain available until expended for satellite operations; and of which $23,226,000 shall be available until September 30, 2003 for the operation and maintenance of facilities and deferred maintenance; and of which $164,424,000 shall be available until September 30, 2003 for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That of the amount provided herein, $25,000,000 is for the conservation activities defined in section 250(c)(4)(E)(viii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $151,933,000, of which $84,021,000, shall be available for royalty management activities; and an amount not to exceed $102,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $102,730,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $102,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That $3,000,000 for computer acquisitions shall remain available until September 30, 2003: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service (MMS) concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That MMS may under the royalty-in-kind pilot program use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, and to process or otherwise dispose of royalty production taken in kind: Provided further, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,118,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $102,144,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2002 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $203,171,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage

from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,600,000 per State in fiscal year 2002: Provided further, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,804,322,000, to remain available until September 30, 2003 except as otherwise provided herein, of which not to exceed $89,864,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $130,209,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2002, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and up to $3,000,000 shall be for the Indian Self-Determination Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed $436,427,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2002, and shall remain available until September 30, 2003; and of which not to exceed $58,540,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,065,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2003, may be transferred during fiscal year 2004 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2004.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $360,132,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2002, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $60,949,000, to remain available until expended; of which $24,870,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; of which $7,950,000 shall be available for future water supplies facilities under Public Law 106–163; of which $21,875,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–263, 106–425, 106–554, and 106–568; and of which $6,254,000 shall be available for the consent decree entered by the U.S. District Court, Western District of Michigan in United States v. Michigan, Case No. 2:73 CV 26.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $75,000,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $486,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration's August 1999 report shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter

school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $76,450,000, of which: (1) $71,922,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $4,528,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for technical assistance, not to exceed $2,000,000 shall be made available for transfer to the Disaster Assistance Direct Loan Financing Account of the Federal Emergency Management Agency for the purpose of covering the cost of forgiving the repayment obligation of the Government of the Virgin Islands on Community Disaster Loan 841, as required by section 504 of the Congressional Budget Act of 1974, as amended (2 U.S.C. 661c): Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $23,245,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $67,541,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $44,074,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $34,302,000, of which $3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $99,224,000, to remain available until expended: Provided, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs ''Operation of Indian Programs'' account and to the Departmental Management ''Salaries and Expenses'' account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2002, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $10,980,000, to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,872,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or

other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within thirty days: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 113. A grazing permit or lease that expires (or is transferred) during fiscal year 2002 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) or if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary's statutory authority.

SEC. 114. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 115. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2002. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 116. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2002 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 117. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery, and (2) as a burial ground.

SEC. 118. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 119. Section 412(b) of the National Parks Omnibus Management Act of 1998, as amended (16 U.S.C. 5961) is amended by striking ''2001'' and inserting ''2002''.

SEC. 120. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 121. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2001, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 122. TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION PROGRAM. (a) DEFINITIONS.—In this section:

(1) CONSTRUCTION.—The term ''construction'', with respect to a tribally controlled school, includes the construction or renovation of that school.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) SECRETARY.—The term ''secretary'' means the Secretary of the Interior.

(4) TRIBALLY CONTROLLED SCHOOL.—The term ''tribally controlled school'' has the meaning given that term in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511).

(5) DEPARTMENT.—The term ''Department'' means the Department of the Interior.

(6) DEMONSTRATION PROGRAM.—The term ''demonstration program'' means the Tribal School Construction Demonstration Program.

(b) IN GENERAL.—The Secretary shall carry out a demonstration program to provide grants to Indian tribes for the construction of tribally controlled schools.

(1) IN GENERAL.—Subject to the availability of appropriations, in carrying out the demonstration program under subsection (b), the Secretary shall award a grant to each Indian tribe that submits an application that is approved by the Secretary under paragraph (2). The Secretary shall ensure that an eligible Indian tribe currently on the Department's priority list for constructing of replacement educational facilities receives the highest priority for a grant under this section.

(2) GRANT APPLICATIONS.—An application for a grant under the section shall—

(A) include a proposal for the construction of a tribally controlled school of the Indian tribe that submits the application; and

(B) be in such form as the Secretary determines appropriate.

(3) GRANT AGREEMENT.—As a condition to receiving a grant under this section, the Indian tribe shall enter into an agreement with the Secretary that specifies—

(A) the costs of construction under the grant;

(B) that the Indian tribe shall be required to contribute towards the cost of the construction a tribal share equal to 50 percent of the costs; and

(C) any other term or condition that the Secretary determines to be appropriate.

(4) ELIGIBILITY.—Grants awarded under the demonstration program shall only be for construction on replacement tribally controlled schools.

(c) EFFECT OF GRANT.—A grant received under this section shall be in addition to any other funds received by an Indian tribe under any other provision of law. The receipt of a grant under this section shall not affect the eligibility of an Indian tribe receiving funding, or the amount of funding received by the Indian tribe, under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) or the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

SEC. 123. WHITE RIVER OIL SHALE MINE, UTAH. (a) SALE.—The Administrator of General Services (referred to in this section as the ''Administrator'') shall sell all right, title, and interest of the United States in and to the improvements and equipment described in subsection (b) that are situated on the land described in subsection (c) (referred to in this section as the ''Mine'').

(b) DESCRIPTION OF IMPROVEMENTS AND EQUIPMENT.— The improvements and equipment referred to in subsection (a) are the following improvements and equipment associated with the Mine:

(1) Mine Service Building.
(2) Sewage Treatment Building.
(3) Electrical Switchgear Building.
(4) Water Treatment Building/Plant.
(5) Ventilation/Fan Building.
(6) Water Storage Tanks.
(7) Mine Hoist Cage and Headframe.
(8) Miscellaneous Mine-related equipment.

(c) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the land located in Uintah County, Utah, known as the ''White River Oil Shale Mine'' and described as follows:

(1) T. 10 S., R 24 E., Salt Lake Meridian, sections 12 through 14, 19 through 30, 33, and 34.

(2) T. 10 S., R. 25 E., Salt Lake Meridian, sections 18 and 19.

(d) USE OF PROCEEDS.—The proceeds of the sale under subsection (a)—

(1) shall be deposited in a special account in the Treasury of the United States; and

(2) shall be available until expended, without further Act of appropriation—

(A) first, to reimburse the Administrator for the direct costs of the sale; and

(B) second, to reimburse the Bureau of Land Management Utah State Office for the costs of closing and rehabilitating the Mine.

(e) MINE CLOSURE AND REHABILITATION.—The closing and rehabilitation of the Mine (including closing of the mine shafts, site grading, and surface revegetation) shall be conducted in accordance with—

(1) the regulatory requirements of the State of Utah, the Mine Safety and Health Administration, and the Occupational Safety and Health Administration; and

(2) other applicable law.

SEC. 124. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 125. Upon application of the Governor of a State, the Secretary of the Interior shall (1) transfer not to exceed 25 percent of that State's formula allocation under the heading ''National Park Service, Land Acquisition and State Assistance'' to increase the State's allocation under the heading ''United States Fish and Wildlife Service, State Wildlife Grants'' or (2) transfer not to exceed 25 percent of the State's formula allocation under the heading ''United States Fish and Wildlife Service, State Wildlife Grants'' to increase the State's formula allocation under the heading ''National Park Service, Land Acquisition and State Assistance''.

SEC. 126. Section 819 of Public Law 106–568 is hereby repealed.

SEC. 127. Moore's Landing at the Cape Romain National Wildlife Refuge in South Carolina is hereby named for George Garris and shall hereafter be referred to in any law, document, or records of the United States as ''Garris Landing''.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $242,822,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $287,331,000, to remain available until expended, as authorized by law, of which $101,000,000 is for Forest Legacy and Urban and Community Forestry, defined in section 250(c)(4)(E)(ix) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the House Committee on Appropriations and the Senate Committee on Appropriations provide to the Secretary, in writing, a list of specific acquisitions to be undertaken with such funds: Provided further, That notwithstanding any other provision of law, of the funds provided under this heading, $5,000,000 shall be made available to Kake Tribal Corporation as an advanced direct lump sum payment to implement the Kake Tribal Corporation Land Transfer Act (Public Law 106–283).

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,324,491,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That unobligated balances available at the start of fiscal year 2002 shall be displayed by extended budget line item in the fiscal year 2003 budget justification: Provided further, That of the amount available for vegetation and watershed management, the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands: Provided further, That of the funds provided under this heading for Forest Products, $5,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: Provided further, That of the funds provided for Wildlife and Fish Habitat Management, $600,000 shall be provided to the State of Alaska for wildlife monitoring activities.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,115,594,000, to remain available until expended: Provided, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2001 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, $4,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazard reduction activities in the urban-wildland interface, support to federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That amounts under this heading may be transferred as specified in the report accompanying this Act to the ''State and Private Forestry'', ''National Forest System'', ''Forest and Rangeland Research'', and ''Capital Improvement and Maintenance'' accounts to fund state fire assistance, volunteer fire assistance, and forest health management, vegetation and watershed management, heritage site rehabilitation, wildlife and fish habitat management, trails and facilities maintenance and restoration: Provided further, That transfers of any amounts in excess of those specified shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105–163: Provided further, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships with State, local or nonprofit youth groups, or small or disadvantaged businesses: Provided further, That:

(1) In expending the funds provided with respect to this Act for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries applicable to hazardous fuel reduction activities under the wildland fire management accounts. Notwithstanding Federal government

procurement and contracting laws, the Secretaries may conduct fuel reduction treatments on Federal lands using grants and cooperative agreements. Notwithstanding Federal government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to—

(A) local private, nonprofit, or cooperative entities;

(B) Youth Conservation Corps crews or related partnerships, with State, local and nonprofit youth groups;

(C) small or micro-businesses; or

(D) other entities that will hire or train a significant percentage of local people to complete such contracts. The authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated.

(2)(A) The Secretary of Agriculture may transfer or reimburse funds to the United States Fish and Wildlife Service of the Department of the Interior, or the National Marine Fisheries Service of the Department of Commerce, for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference as required by section 7 of such Act in connection with wildland fire management activities in fiscal years 2001 and 2002.

(B) Only those funds appropriated for fiscal years 2001 and 2002 to Forest Service (USDA) for wildland fire management are available to the Secretary of Agriculture for such transfer or reimbursement.

(C) The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing in connection with wildland fire management activities affecting National Forest System lands.

For an additional amount to cover necessary expenses for emergency rehabilitation, wildfire suppression and other fire operations of the Forest Service, $165,000,000, to remain available until expended, of which $100,000,000 is for emergency rehabilitation and wildfire suppression, and $65,000,000 is for other fire operations: Provided, That the entire amount appropriated in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That these funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

For an additional amount, to liquidate obligations previously incurred, $274,147,000.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $541,286,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205, of which $61,000,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That fiscal year 2001 balances in the Federal Infrastructure Improvement account for the Forest Service shall be transferred to and merged with this appropriation and shall remain available until expended: Provided further, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That the Forest Service shall transfer $300,000, appropriated in Public Law 106–291 within the Capital Improvement and Maintenance appropriation, to the State and Private Forestry appropriation, and shall provide these funds in an advance direct lump sum payment to Purdue University for planning and construction of a hardwood tree improvement and generation facility.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $128,877,000 to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(iv) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,488,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 132 passenger motor vehicles of which eight will be used primarily for law enforcement purposes and of which 130 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed seven for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein, including the Oscoda-Wurtsmith land exchange in Michigan, pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of the enactment of this Act) on Federal funds to carry out the purposes of Public Law 101–593: Provided further, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, up to $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the ''National Forest System'' and ''Capital Improvement and Maintenance'' accounts and planned to be allocated to activities under the ''Jobs in the Woods'' program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: Provided, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: Provided further, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

The Forest Service shall fund indirect expenses, that is expenses not directly related to specific programs or to the accomplishment of specific work on-the-ground, from any funds available to the Forest Service: Provided, That the Forest Service shall implement and adhere to the definitions of indirect expenditures established pursuant to Public Law 105–277 on a nationwide basis without flexibility for modification by any organizational level except the Washington Office, and when changed by the Washington Office, such changes in definition shall be reported in budget requests submitted by the Forest Service: Provided further, That the Forest Service shall provide in all future budget justifications, planned indirect expenditures in accordance with the definitions, summarized and displayed to the Regional, Station, Area, and detached unit office level. The justification shall display the estimated source and amount of indirect expenditures, by expanded budget line item, of funds in the agency's annual budget justification. The display shall include appropriated funds and the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds. Changes between estimated and actual indirect expenditures shall be reported in subsequent budget justifications: Provided, That during fiscal year 2002 the Secretary shall limit total annual indirect obligations from the Brush Disposal, Knutson-Vandenberg, Reforestation, Salvage Sale, and Roads and Trails funds to 20 percent of the total obligations from each fund. Obligations in excess of 20 percent which would otherwise be charged to the above funds may be charged to appropriated funds available to the Forest Service subject to notification of the Committees on Appropriations of the House and Senate.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: Provided, That such amounts shall not exceed $750,000.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $604,090,000, to remain available until expended, of which $11,000,000 is to begin construction, renovation, acquisition of furnishings, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania, and of which $33,700,000 shall be derived by transfer from funds appropriated in prior years under the heading ''Clean Coal Technology'', and of which $150,000,000 is to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded demonstrations of commercial scale technologies to reduce the barriers to continued and expanded coal use: Provided, That the request for proposals shall be issued no later than one hundred and twenty days following enactment of this Act, proposals shall be submitted no later than ninety days after the issuance of the request for proposals, and the Department of Energy shall make project selections no later than one hundred and sixty days after the receipt of proposals: Provided further, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading ''Clean Coal Technology'' in prior appropriations: Provided further, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: Provided further, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: Provided further, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. § 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

ALTERNATIVE FUELS PRODUCTION

(RESCISSION)

Of the unobligated balances under this heading, $2,000,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $17,371,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State

of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2002 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $870,805,000, to remain available until expended: Provided, That $251,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $213,000,000 for weatherization assistance grants and $38,000,000 for State energy conservation grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,996,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $169,009,000, to remain available until expended, of which $8,000,000 shall be available for maintenance of a Northeast Home Heating Oil Reserve.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $75,499,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,388,614,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $15,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $430,776,000 for contract medical care shall remain available for obligation until September 30, 2003: Provided further, That of the funds provided, up to $22,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2003: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $288,234,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2002, of which up to $40,000,000 may be used for such costs associated with the Navajo Nation's new and expanded contracts, grants, self-governance compacts or annual funding agreements: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $362,854,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to continue a priority project for the acquisition of land, planning, design and construction of 79 staff quarters at Bethel, Alaska, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: Provided further, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: Provided further, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: Provided further, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: Provided further, That $5,000,000 shall remain available until expended for the purpose of funding joint venture health care facility projects authorized under the Indian Health Care Improvement Act, as amended: Provided further, That priority, by rank order, shall be given to tribes with outpatient projects on the existing Indian Health Services priority list that have Service-approved planning documents, and can demonstrate by March 1, 2002, the financial capability necessary to provide an appropriate facility: Provided further, That joint venture funds unallocated after March 1, 2002, shall be made available for joint venture projects on a competitive basis giving priority to tribes that currently have no existing Federally-owned health care facility, have planning documents meeting Indian Health Service requirements prepared for approval by the Service and can demonstrate the financial capability needed to provide an appropriate facility: Provided further, That the Indian Health Service shall request additional staffing, operation and maintenance funds for these facilities in future budget requests: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: Provided further, That notwithstanding the provisions of title III, section 306, of the Indian Health Care Improvement Act (Public Law 94–437, as amended), construction contracts authorized under title I of the Indian

Self-Determination and Education Assistance Act of 1975, as amended, may be used rather than grants to fund small ambulatory facility construction projects: Provided further, That if a contract is used, the IHS is authorized to improve municipal, private, or tribal lands, and that at no time, during construction or after completion of the project will the Federal Government have any rights or title to any real or personal property acquired as a part of the contract.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

Funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act. With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended. Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance. The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $15,148,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $4,490,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $401,192,000, of which not to exceed $43,713,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of maintenance, repair, restoration, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $67,900,000, to remain available until expended, of which $10,000,000 is provided for maintenance, repair, rehabilitation and alteration of facilities at the National Zoological Park: Provided, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs, including closure of facilities, relocation of staff or redirection of functions and programs, without approval by the Board of Regents of recommendations received from the Science Commission.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or

rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $68,967,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $14,220,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $15,000,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $19,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $7,796,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $98,234,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $109,882,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $15,622,000, to remain available until expended, of which $11,622,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, $26,899,000, to remain available until expended.

CHALLENGE AMERICA ARTS FUND

CHALLENGE AMERICA GRANTS

For necessary expenses as authorized by Public Law 89–209, as amended, $17,000,000 for support for arts education and public outreach activities to be administered by the National Endowment for the Arts, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,174,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $3,310,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $7,253,000: Provided, That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $36,028,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $23,125,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: Provided, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 307. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2001.

SEC. 308. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 309. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 310. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2002, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 311. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, and 106–291 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2001 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 312. Notwithstanding any other provision of law, for fiscal year 2002 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the ''Jobs in the Woods'' Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 313. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds $500,000.

SEC. 314. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 315. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 316. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 317. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 318. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 319. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 320. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 321. Amounts deposited during fiscal year 2001 in the roads and trails fund provided for in the fourteenth paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 322. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 323. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar: Provided, That sales which are deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar may be advertised upon receipt of a written request by a prospective, informed bidder, who has the opportunity to review the Forest Service's cruise and harvest cost estimate for that timber. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2002, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2002, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, the volume of western red cedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 324. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 325. The Forest Service, in consultation with the Department of Labor, shall review Forest Service campground concessions policy to determine if modifications can be made to Forest Service contracts for campgrounds so that such concessions fall within the regulatory exemption of 29 CFR 4.122(b). The Forest Service shall offer in fiscal year 2002 such concession prospectuses under the regulatory exemption, except that, any prospectus that does not meet the requirements of the regulatory exemption shall be offered as a service contract in accordance with the requirements of 41 U.S.C. 351–358.

SEC. 326. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 327. The authority to enter into stewardship and end result contracts provided to the Forest Service in accordance with section 347 of title III of section 101(e) of division A of Public Law 105–277 is hereby expanded to authorize the Forest Service to enter into an additional 28 contracts subject to the same terms and conditions as provided in that section: Provided, That of the additional contracts authorized by this section at least 9 shall be allocated to Region 1 and at least 3 to Region 6.

SEC. 328. Any regulations or policies promulgated or adopted by the Departments of Agriculture or the Interior regarding recovery of costs for processing authorizations to occupy and use Federal lands under their control shall adhere to and incorporate the following principle arising from Office of Management and Budget Circular, A–25; no charge should be made for a service when the identification of the specific beneficiary is obscure, and the service can be considered primarily as benefiting broadly the general public.

SEC. 329. Notwithstanding any other provision of law, for fiscal year 2002, the Secretary of Agriculture is authorized to limit competition for fire and fuel treatment and watershed restoration contracts in the Giant Sequoia National Monument and the Sequoia National Forest. Preference for employment shall be given to dislocated and displaced workers in Tulare, Kern and Fresno Counties, California, for work associated with the establishment of the Giant Sequoia National Monument.

SEC. 330. The Secretary of Agriculture, acting through the Chief of the Forest Service shall:

(1) extend the special use permit for the Sioux Charlie Cabin in the Absaroka Beartooth Wilderness Area, Montana, held by Montana State University—Billings for a period of 50 years; and

(2) solicit public comments at the end of the 50 year period to determine whether another extension should be granted.

SEC. 331. Section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277, Division A, section 101(e), is amended by striking ''and 2001,'' and inserting '', 2001 and 2002,''.

SEC. 332. Section 551(c) of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460lll–61(c)) is amended by striking ''2002'' and inserting ''2004''.

SEC. 333. LOCAL EXEMPTIONS FROM FOREST SERVICE DEMONSTRATION PROGRAM FEES. Section 6906 of Title 31, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Necessary''; and

(2) by adding at the end the following:

''(b) LOCAL EXEMPTIONS FROM DEMONSTRATION PROGRAM FEES.—

''(1) IN GENERAL.—Each unit of general local government that lies in whole or in part within the White Mountain National Forest and persons residing within the boundaries of that unit of general local government shall be exempt during that fiscal year from any requirement to pay a Demonstration Program Fee (parking permit or passport) imposed by the Secretary of Agriculture for access to the Forest.

''(2) ADMINISTRATION.—The Secretary of Agriculture shall establish a method of identifying persons who are exempt from paying user fees under paragraph (1). This method may include valid form of identification including a drivers license.''.

This Act may be cited as the ''Department of the Interior and Related Agencies Appropriations Act, 2002''.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be terminated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I am very honored to join with my colleague, the distinguished Senator from Montana, Mr. BURNS, in bringing before the Senate H.R. 2217, the Interior and related agencies bill for fiscal year 2002, as amended, by the Senate Appropriations Committee.

This is the first of the 13 annual appropriations measures to be considered by the Senate this year. In my opinion, this is a well-crafted bill. It balances both the needs of the American people and the resources available to the committee. We only have so much money available and ''we ain't going to spend what we ain't got.''

That being the situation then, I urge my colleagues to adopt this bill in a timely fashion so we can proceed to conference with the House of Representatives. We have gotten a late start this year and we have to work hard and long to catch up. Darkness may have fallen, from time to time, before we catch up on these appropriations bills.

H.R. 2217 provides more than $1.2 billion in much-needed funding to attack the deferred maintenance problems at our national parks, our national wildlife refuges, our national forests, and other federal recreational facilities across this nation. The bill would provide $480 million to the National Park Service, $108 million to the Fish and Wildlife Service, $78 million to the Bureau of Land Management, and $541 million to the Forest Service for literally hundreds, hundreds and hundreds of important maintenance projects.

In addition, the bill restores $35 million in abandoned mine clean-up funds that were unwisely proposed to be cut by the administration. We are not going down that road, Mr. President. It restores nearly $80 million in proposed cuts to the budget of the U.S. Geological Survey, a matter of great importance to many of our colleagues. The bill fully funds the construction needs of the next six schools on the priority list of the Bureau of Indian Affairs, while increasing funding for the Indian Health Service. It increases funding for important energy research programs overseen by Department of Energy, another issue of particular importance to those from the West. Finally, this bill provides nearly $895 million in funding for various cultural agencies: agencies such as the Smithsonian Institution, the National Gallery of Art, the Kennedy Center for the Performing Arts, the National Endowment for the Arts, the National Endowment for the Humanities, and the Office of Museum Services.

I am proud of the fact that the committee has kept its previous commitment and has fully funded the Conservation Spending Category established in title VIII of last year's Interior appropriations bill. Included in that amount is $406 million for federal land acquisition; $221 million for State and other conservation programs such as endangered species programs and wetland conservation programs; $137 million for historic preservation programs; an additional $50 million for the Payment-In-Lieu-of-Taxes program; and $180 million for Federal infrastructure improvements.

This is a well-balanced bill, given the demands placed on the committee as a result of 1,799 Member requests versus the resources available to it. Despite that, I know there are Members who are passionate about some of the programs funded in this bill, and they would like to increase funding in one area or another. I appreciate that. I respect the right of every Member to come to the floor and offer such an amendment. But let me unfurl the warning flag. As reported by the Appropriations Committee, this bill is

fully consistent with the 302(b) allocation provided to the Interior Subcommittee.

In short, in plain, simple, mountain language, that means there is no extra money on the table waiting to be spent—none, no extra money waiting on the table, waiting to be spent.

Friends, Romans, countrymen, lend me your ears: There is no extra money on the table. Any amendment proposing to increase spending in one area of the bill will have to be offset with a cut in some other area. Any Senator who wishes to add money may have to think whether or not he wants to take that money away from CONRAD BURNS or the minority leader or the majority leader or the humble slave, ROBERT C. BYRD.

With respect to offsets, let me add that Senator BURNS and I, as managers of this bill, will generally oppose amendments which propose to cut the so-called travel and administrative expenses accounts.

The agencies funded in this bill have done a good job generally in trimming these expenses to the bone, and unless Members are willing to offer real, honest to goodness programmatic cuts as a way to pay for their amendments, we will oppose all bogus offsets.

I urge my colleagues to come to the floor. I have heard it said that some Senators think we are working too hard in the Senate. Let the record show that a great stillness fell over the Chamber upon my saying that. I have heard rumors that some Senators are concerned that we are working too late, too long, too hard.

It is mortifying to hear such rumors. I can remember when for Easter Sunday we were out on Friday and came back here on Monday. We didn't used to have so-called ''breaks.'' We were also in session Mondays through Fridays, and sometimes we were in on Saturdays.

God made the universe—all of creation, the beasts of the fields, the fowl of the air, fruits and herb yielding seed—and he made man, not in 3 days. He didn't have a 3-day work week.

We have gotten used to 3-day workweeks here; come in late on Tuesday, vote late on Tuesday, vote on Wednesday, vote Thursday, and be out Friday, out Saturday, and out Sunday. God said keep the Sabbath day holy. But that is not why the Senate lets out on Sunday.

Let us not be stunned if we are asked to work a little later or a little longer. I would be happy to start voting on Monday and vote late on Friday. I would just as soon be here as to be at home on Saturday mopping the floor.

Let some of these Senators learn how to mop the floor for their wives. Then they, too, will probably be married 64 years, as I have been. Mop the floor, keep the wrists and the fingers strong. There is no arthritis in my fingers. They tremble, but the bones are strong. The wrists are strong, You would be surprised how many men I can wrestle to their knees with these strong wrists. These strong wrists come from mopping the floors. Yes. I mop the bathroom. I mop the kitchen floor. I mop the utility room. I vacuum. I dust. It is good for me. It keeps me humble. I even clean the commodes around my house. Things have changed in this country. It used to be that we ate on the inside of the house and went outside to the toilet. But anymore we eat on the outside of the House and go inside to the toilet.

A Senator? Surely, a Senator wouldn't be concerned about working a little longer or a little later. We have become spoiled. It is all right for Senator REID and me to become spoiled on Fathers' Day. But to say that we don't want to vote on Mondays, and we don't want to vote on Tuesdays until after the conference—we didn't even have weekly conferences here when I was majority whip. We Democrats didn't have conferences every Tuesday. We didn't need them.

But when I ran for the office of United States Senator for the eighth consecutive 6-year term, I didn't say just sign me up for 3 days a week. I didn't tell the majority leader when I was sworn in here, don't count on me on any Fridays or Saturdays. I didn't say that.

I hope this is mere rumor that I hear that certain Senators have been complaining that they have been working too long, too late, too many days a week. I hope the majority leader will keep us in late tonight. I hope he will keep us in late tomorrow night, if we don't finish this bill. I hope he will say we will be in Friday, and with votes, if we don't finish this bill today. And if we aren't finished by Saturday, I hope the leader will say: Let's go at it, boys. We will be in Saturday.

But if there is a Senator who is complaining about working too hard, Mr. Majority Whip, tell them where my office is. While we are on this bill, I am for working. I want to get this bill finished. We have 12 more appropriations bills behind this bill.

I urge my colleagues to come to the floor today to offer any amendment they may have and to allow us to conclude debate on this measure no later than tomorrow so I can be with Lady Byrd and my little dog, Billy Byrd. The bill and report have been available for more than a week, and Senator BURNS and I are here ready and willing to work with our colleagues.

Mr. President, I thank, at this time, my colleague, Mr. BURNS, for his steady hand and for the leadership he has demonstrated in the markup, in the hearings on the bill, and for his splendid cooperation, for his always charitable attitude toward other Senators, and for his fairness.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank my good friend and colleague from West Virginia, the chairman of the Interior Appropriations Subcommittee. I am recommending that this body pass the Interior appropriations bill for fiscal year 2002.

I join my colleague in what he said in relation to folks who would complain about working too much. I come from an agricultural background. I was raised on a small farm in northwest Missouri. My dad always had a little saying: When you look like a mule, you've got to work like one. So I guess I have hired on for the duration.

We will get this bill completed. I was lucky enough to hold the chairmanship of this Interior Subcommittee earlier this year, and I made it a priority to move this bill forward in a noncontroversial and bipartisan way. I was extremely pleased to learn, when the Senator from West Virginia took control of the gavel, that he also shared this vision. He and his staff have been extremely gracious in dealing with all the requests before the subcommittee.

The bill up for consideration is a delicate balance of meeting our Nation's needs while remaining fiscally responsible.

Not everyone will be happy with every portion of this bill—it has never happened with this particular piece of legislation since I have been in the Senate for the last 12 years—but I can guarantee you, the bill is extremely fair. We had to make some tough choices, but I believe those who have worked with us to put this bill together will agree that the chairman has done an exemplary job in dealing with the resources we had available to us in the subcommittee.

The bill before us provides over $18.5 billion in budget authority. This number is $343 million above the President's request; however, it is over $470 million less than has been requested by the House of Representatives and almost $420 million below last year's appropriations for the same activities.

The unprecedented and unsustainable increases of previous years have been checked, but we have still upheld our commitments as stewards to our public lands.

If time will allow, I would like to highlight some of the accomplishments in this bill.

The Bureau of Land Management receives a substantial increase in funding to help address our Nation's energy needs while balancing these needs with the ongoing maintenance necessary to keep our public lands healthy.

Initiatives of which I am especially proud include an increase in excess of $15 million over last year's level for energy and minerals management to help address the current backlog in energy-related permitting, an increase above the budget request for noxious weed research, control, and outreach, and the highest funding level ever for the payments in lieu of taxes account.

Let me tell you, I am especially thankful to our chairman. Noxious weeds is not a great—for the lack of another word—''sexy'' issue. When you

start talking about things around Washington, DC, folks do not think a lot about weeds, but they are something that we deal with across this Nation on a daily basis; and also payments in lieu of taxes, which means in the areas of counties that have a big preponderance of BLM land, they are paid, as if taxes will be collected on that land, by the Government. In other words, if the Federal Government has made the choice they want to own that land, then they have to pay taxes like everybody else—county taxes—that go to support schools, public services, roads, and other demands of local government.

Our commitment to the Nation's wild spaces is continued in the U.S. Fish and Wildlife Service budget, which has received a $62 million increase over last year's level. This level allows us to address habitat needs while working with private landowners through brand new initiatives such as the Landowner Incentive Program. These new initiatives will allow us to focus on a new idea of working across land-ownership lines to do what is best to help the species and their needs.

The National Park Service remains one of my top priorities. After all, I have two of the really crown jewels of the National Park System in my State: Yellowstone Park, of which part is in the State of our friends to the south, in Wyoming, and Glacier National Park. It receives an increase of almost $161 million above a year ago. This funding helps address our crumbling infrastructure in our most treasured public areas while increasing our assistance to States to protect the areas that are high on their priority lists.

I am also pleased the bill provides $11 million for grants to preserve Civil War battlefields.

Also, within the Bureau of Indian Affairs, no other priority is higher on my list than the education of our Native American children. We have been able to continue our aggressive attack on the construction backlog of schools in Indian country by providing funds to replace the next six schools on the Bureau of Indian Affairs' replacement list. Again, the chairman has done an admirable job in attempting to meet my request for a substantial increase in the operating funds available to tribally controlled community colleges. It remains one of my top priorities, and I hope to work with the chairman to increase the funding level even further in future years.

We have seen great strides made, especially in the 2-year colleges on our reservations. In fact, the gentleman who operates one of the tribal colleges in our State is probably one of the best educators I have ever known, and the impact he has had on his people on that reservation has been tremendous.

Additionally, I am pleased that we have been able to match the President's request for trust reform and management issues. And there are many.

The Forest Service's largest initiative in recent years is the new Interagency Fire Plan. We have continued to support the efforts of the Bureau of Land Management and the Forest Service to address the dangerous buildup of fuel in our national forests and adjacent lands.

Fire operations will continue to drain hundreds of millions of dollars again this year as we enter another historic fire year, but the investment in hazardous fuel reductions will pay off tenfold in future years.

Last year was a devastating fire year in the West. We are still experiencing drought in those areas. We can expect fires again this year.

Unfortunately, the Department of Energy received massive proposed cuts in this year's budget request. However, I believe the chairman has restored these accounts in a very responsible manner. Working with the rest of the committee and me, he has focused the fossil energy accounts toward technologies that will increase efficiency and the cleanliness of our aging power infrastructure, while addressing the negative impacts of power generation.

We have started a new clean fuels initiative and increased our research in methods to control and capture greenhouse gases. The conservation accounts under the Department of Energy also receive substantial increases over last year, including an addition of over $60 million from last year's weatherization assistance, and large increases to make our buildings and transportation methods more efficient.

Finally, the conservation spending category created in last year's final appropriations negotiations has been retained, and the compromise of last year has been upheld both in the spirit and in the execution. The bill contains $1.32 billion for the conservation spending category, continuing our focus on protecting our wild areas while taking care of our publicly owned facilities.

Clearly, a bill of this magnitude is difficult to craft, especially considering the volume of requests that we field in this subcommittee every year and those with which we have to deal. I thank the chairman for his willingness to address the requests of all Members to the best of his ability. I urge our colleagues to recognize his generosity and take a hard look at the bottom line prior to attempting to amend this bill.

I also ask our colleagues to respect our collective request that legislative riders be avoided so we can get this bill to the President as soon as possible.

Mr. CONRAD. Mr. President, I am pleased to rise today in support of H.R. 2217, the Interior and Related Agencies Appropriations Act for Fiscal Year 2002.

The Senate provides $18.5 billion in nonemergency discretionary budget authority including an advance appropriation into 2002 of $36 million, which will result in new outlays in 2002 of $11.5 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $17.6 billion in 2002. Of that total, $1.32 billion in budget authority and $1.03 billion in outlays falls under the new cap for conservation spending. The remaining amount counts against the general purpose cap for discretionary spending. The Senate bill is within its Section 302(b) allocations for budget authority and outlays for both general purpose and conservation spending.

In addition, the Senate bill provides new emergency spending authority of $235 million for wildland fire management, which will result in outlays of $167 million. In accordance with standard budget practice, the budget committee will adjust the appropriations committee's allocation for emergency spending at the end of conference.

I again commend Chairman BYRD and Senator STEVENS for their bipartisan effort in moving this and other appropriations bills quickly, in order to meet our responsibilities to maintain an effective federal government. Their bill limits the use of the contentious legislative riders that have hampered its predecessors, and provides vital funding to manage our nation's natural resources, to support better and more efficient use of our energy supplies, and to meet our commitments to Native American tribes.

I urge the adoption of the bill.

Mr. President, I ask for unanimous consent that a table displaying the budget committee scoring of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2217, INTERIOR AND RELATED AGENCIES, 2002

[Spending comparisons—Senate-reported bill (in millions of dollars)]

	General purpose	Conservation	Mandatory	Total
Senate-reported bill:				
Budget Authority	17,150	1,320	59	18,529
Outlays	16,539	1,029	77	17,645
Senate 302(b) allocation:				
Budget Authority	17,151	1,376	59	18,586
Outlays	16,626	1,030	77	17,733
House-passed:				
Budget Authority	17,621	1,320	59	19,000
Outlays	16,726	1,031	77	17,834
President's request:				
Budget Authority	16,857	1,226	59	18,142
Outlays	16,396	823	77	17,296
SENATE-REPORTED BILL COMPARED TO—				
Senate 302(b) allocation:				
Budget Authority	(1)	(56)	0	(57)
Outlays	(87)	(1)	0	(88)
House-passed:				
Budget Authority	(471)	0	0	(471)
Outlays	(187)	(2)	0	(189)
President's request:				
Budget Authority	293	94	0	387
Outlays	143	206	0	349

Notes: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions, including removal of emergency funding ($235 million in budget authority and $167 million in outlays) and inclusion of 2002 advance appropriation of $36 million (budget authority and outlays). The Senate Budget Committee increases the committee's 302(a) allocation for emergencies when a bill is reported out of conference. Prepared by SBC Majority Staff, 7–10–01.

Mr. CONRAD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, will the Senator from West Virginia yield for a comment?

Mr. BYRD. Yes.

Mr. REID. Mr. President, around here it is easy for us to forget people. I want the record to reflect what a good job Slade Gorton did on this bill during the time he was the chairman of this subcommittee. Slade is not in the Senate anymore. The record should be spread with the fact that he did an outstanding job when he was chairman of the subcommittee.

He was always willing to listen to us. He held meetings and was very inclusive. I don't want to dwell on it other than to say that I have not forgotten Slade Gorton and the good work he did on this bill. I am confident that his successor, the Senator from Montana, will do just as well.

I know as a Senator I learned a lot from Senator Gorton from the way he handled things. I hope we will all remember Slade Gorton for his dedication to the Senate and the good work he did.

Mr. BYRD. Mr. President, I join the distinguished Democratic whip in recalling Slade Gorton. Slade Gorton was an outstanding chairman of this subcommittee. On many occasions, I lauded Slade Gorton's chairmanship. He was eminently fair, preeminently knowledgeable of the bill. In conferences, he knew everything that a Senator ought to know about the projects and the items at issue between the two Houses. I have never seen a subcommittee chairman who was better than Slade Gorton when he was chairman of this subcommittee.

He was also very kind and good to me. I am glad the distinguished majority whip has had the thoughtfulness to mention Slade Gorton today.

Along this line, let me say that on yesterday, and the day before, we worked hard to complete the supplemental appropriations bill. Senator STEVENS is the former chairman of the Appropriations Committee in the Senate, about whom I have no hesitancy in saying, he was the best chairman of the Appropriations Committee that I have seen in my 43 years in the Senate, including ROBERT BYRD. I have no hesitancy, not a bit, in lauding a Republican. I have no hesitancy in saying, ''He is a better man than I am, Gunga Din.''

I have seen some great chairmen of this committee, the Appropriations Committee. Senator Russell, to me, was the finest Senator, the best Senator with whom I have ever served in my 43 years in the Senate. He was chairman of the Appropriations Committee at one time. There have been other great Senators, such as Senator Stennis of Mississippi. He was always courteous, always the gentleman. Then there was Senator Mark Hatfield.

But times have changed and chairmen have to change in accordance with the times and the circumstances. So in our time, in our day, TED STEVENS is the best. I don't mind thinking I might have been second. But I won't dare say that. It is a bit like Publius Cornelius Scipio Africanus Major, who defeated Hannibal in the Battle of Zama in 202 B.C. He met Hannibal at Ephesus, and they walked together upon one occasion and he asked Hannibal, ''Who was the greatest general?'' Hannibal thought for a moment, and then he said, ''Pyrrhus the Greek from Epirus was the greatest. The second was Alexander. The third was I, Hannibal.'' Whereupon, Scipio Africanus Major asked, ''Where would you have placed yourself if I had not defeated you at Zama?'' Hannibal thought for a moment, and then said, ''I would have been first.''

I did have the good fortune to chair this committee for 6 years. But TED STEVENS I salute. He is a Republican, yes, but a great one, a fine gentleman, a gentleman always, somebody who keeps his word. And he doesn't put politics at the apex of all things that matter. Well, with his assistance and his leadership, on yesterday we passed the supplemental appropriations bill. The President requested $6.5 billion and that bill did not exceed that request one thin dime.

The Senators' amendments were offset. The amendments that Senators offered and were considered, if they were adopted, if they had to do with money, were offset. Senators had offsets—meaningful offsets, not ''waste, fraud and abuse.'' There is no doubt but that there is some waste, fraud, and abuse in the budget in every department, I would say, in this Government. But we don't offset with false offsets. We had everything appropriately offset.

There wasn't a single amendment designated as an ''emergency'' in this Senate. The President had complained about the use of ''emergencies.'' Mr. STEVENS and I believe there is a time and place for emergencies, yes, but there is no question but that the designation of ''emergency'' has been overdone in both Houses. And in the supplemental appropriations bill that passed the House, there are $473 million in emergencies. Not $1 in the bill that passed the Senate was designated as an emergency.

Where is the President going to stand on this when the bill goes to conference? I hope he will let us know. What is his position going to be with regard to the emergencies that were in the Republican-controlled House bill? The first question that was ever asked in the history of the human race was, when God entered the Garden of Eden in the shadow of the evening, in the cool of the day, and he started looking for Adam. Adam had hidden himself, and God said: ''Adam, where art thou?'' That was the first question ever asked in the history of mankind. ''Adam, where art thou?''

So, if I might, in my small way as a direct descendent of Adam, let me ask the question of the President: Mr. President, where art thou in regard to the $473 million in emergencies that are contained in the House-passed bill? Let us know, Mr. President, where art thou? If I get a chance to ask the President, I am going to say: Mr. President, where art thou with respect to the $473 million that was added as emergencies in the House bill? Where art thou? Let us know. We would like to know.

In any event, that is the kind of bill we passed in this Senate. No emergencies, not one Indianhead copper penny above the President's request, not one! Mr. STEVENS and I had cooperation of the Senators on both sides of the aisle. I could not resist the opportunity to say that without TED STEVENS and his help, his assistance, his leadership on that bill, the cooperation of Senators and staff on both sides, the help of our distinguished Democratic whip, and our leaders, we could not have accomplished that. So I take this opportunity to compliment our colleagues.

AMENDMENT NO. 877

Mr. BYRD. Mr. President, I send a technical amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 877.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make a technical correction)

On page 152, line 4, strike ''$17,181,000'' and insert ''$72,640,000''.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the amendment and that it be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 877) was agreed to.

Mr. BYRD. Mr. President, Senator BURNS and I are here. We are at our posts of duty. We are ready to entertain any requests for an amendment by any Senator. The clock is running.

Mr. BURNS. We are open for business.

Mr. BYRD. The sign is out: Open for business. Senator BURNS and I join in urging the leadership and all Senators to let us know of any amendments Senators intend to offer by no later than 4 p.m. today, and it will be my hope that at 4 p.m. we can close out the window for amendments. I hope all Senators within the sound of my voice and all staffs within the reach of our joint voice will be alerted to the fact that when the clock strikes 4 this afternoon, we expect to close out the window on all amendments.

Mr. REID. Will the Senator from West Virginia yield for a comment?

Mr. BYRD. Absolutely; gladly.

Mr. REID. As directed by the two managers of this bill, we have asked both Cloakrooms to clear their request: that there be a filing of amendments by 4 o'clock today, which gives people ample time, many hours. It was announced even prior to the break that the Interior bill would be the first bill brought up, and we even indicated when it would be brought up. So I hope we can get this cleared right away.

I say to my friend, the junior Senator from Montana, who has done such a good job in getting this bill to this point, the holdup now is on that side. Maybe if we go into a quorum call Senator BURNS will be gracious enough to see if he can move this along. Until that happens, my experience is this bill is in a flounder.

Mr. BYRD. I thank the distinguished whip.

Mr. BURNS. Mr. President, it is my hope that we can do this by 4 o'clock this afternoon. There is no need for us to dillydally around here when we have other things to do. I only have one thing I have to do at 2 o'clock this afternoon. I have to introduce a couple of judges who have been nominated to the Montana district court system. By the time I get that done, 4 o'clock should be our cutoff.

We should be talking about amendments right now. There is no reason why we cannot move this bill to final conclusion tomorrow.

Mr. REID. I believe the Senator from West Virginia still has the floor, if I can make another comment.

Mr. BYRD. Surely.

Mr. REID. It is my thought, if the two managers agree, that at 12:30 p.m., if there is still a problem with hotlining, a unanimous consent request be made and if anybody objects to it, they are going to have to come here in person to object to it. That is my suggestion. On a bill as important as this, we need to have the Senators, not the staff lurking in some of these rooms around the Capitol complex making objections for their Senators.

After we go into a quorum call, upon consulting with the two managers, I make the suggestion that perhaps that is what we should do.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Nevada, the majority whip, for his suggestion. I like it. We have just heard Senator BURNS voice his opinion.

Mr. BURNS. We will do everything we can to get that taken care of. We do not want to close anybody out either, understanding the sensitivity of that. I believe we have made a reasonable request. I thank the chairman.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD. Mr. President, there being no Senators seeking recognition and having discussed the following request with the distinguished majority whip and the distinguished manager on the other side of the aisle, it appears it might be best if the Senate stood in recess until 12:15 p.m., during which time some work may be done hopefully that will speed up the entire process to some extent.

I, therefore, ask unanimous consent that the Senate stand in recess until the hour of 12:15 p.m. today.

There being no objection, at 11:39 a.m., the Senate recessed until 12:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. STABENOW).

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. With the consent of Senator BYRD, I ask unanimous consent all first-degree amendments to H.R. 2217, the Interior appropriations bill, be filed at the desk by 4 p.m. today, Wednesday, July 11.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 880

Mr. BYRD. Madam President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 880.

Mr. BYRD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 157, line 7, insert ''Protection'' after the word ''Park''.

Mr. BYRD. Madam President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

AMENDMENT NO. 879

Mr. DURBIN. Madam President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mrs. MURRAY, and Mr. DAYTON, proposes an amendment numbered 879.

Mr. DURBIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds for the conduct of preleasing, leasing, and related activities within national monuments established under the Act of June 8, 1906)

On page 194, between lines 9 and 10, insert the following:

SEC. 1 . PRELEASING, LEASING, AND RELATED ACTIVITIES.

None of the funds made available by this Act shall be used to conduct any preleasing, leasing, or other related activity under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundary (in effect as of January 20, 2001) of a national monument established under the Act of June 8, 1906 (16 U.S.C. 431 et seq.), except to the extent that such a preleasing, leasing, or other related activity is allowed under the Presidential proclamation establishing the monument.

Mr. DURBIN. Madam President, I note that the Republican ranking member is not on the floor at this time. I will proceed and, of course, afford all opportunity for him for comment or rebuttal or perhaps a speech in support of my amendment. I want to make sure I extend that courtesy to him since he is not currently in the Chamber.

The amendment I bring before us today is one that is very straightforward. I suppose I could have had it read, and it would have made it very clear what I am setting out to do. It basically will prohibit any preleasing or other related activity within the boundaries of a national monument.

What it boils down to is, there are certain lands in the United States which have been designated as important national treasures. We call them national monuments. Virtually every President in the last century, save three, decided to designate certain areas of land in America that were so important they wanted to preserve them so that future generations could enjoy the bounty which God has left us.

There are those, of course, who see that land not as a great treasure to be valued but as a resource to be used. The purpose of my amendment is to stop oil and gas drilling on national monuments across the United States.

We owe the existence of many of America's natural treasures to pioneers of yesterday. Their appreciation of our rugged, untamed new country gave them the foresight to preserve many of our natural resources and public lands for future generations to enjoy.

Theodore Roosevelt was one such pioneer. In 1906, he established Devils Tower in Wyoming, the first national monument.

Right outside this Chamber in the hallway is one of the most remarkable busts of a former Vice President—the bust of Theodore Roosevelt. Every time I walk by it, I can just feel the life in that piece of stone. He has his jaw stuck out as if he is ready to take on the world. I can imagine in 1906 when Teddy Roosevelt said to a lot of people in this country: You know what. We have resources in this country that are worth fighting for and worth preserving, and we are going to do it. There were probably people standing on the sideline saying that Teddy Roosevelt was crazy, that he certainly did not want to set aside land that might have had great value to our future. Yet he did it. Not only did he do it; he established a standard that President after President followed.

The Republican Party, of which Theodore Roosevelt was a proud member at one time, certainly was that party of preservation and conservation. It set a standard that the Democratic Party followed, and I am glad they did. It was a bipartisan idea. These are treasures that don't know the difference between parties, the treasurers which our children and future generations should enjoy. Roosevelt said this at one point, and his words I think tell the story: ''We must ask ourselves if we are leaving for future generations an environment that is as good or better than what we found.''

That is simple. That inspired him in 1906 to create the first national monument at Devils Tower, WY. Unfortunately, not every President has been inspired by Teddy Roosevelt. Sadly, I come to the floor today because of threats by this new administration in Washington to at least consider the option of drilling for oil and gas in these national monuments across the United States.

Some leaders in Washington lack the foresight of our Founding Fathers and pioneers. They hide today behind the shield of an ''energy crisis''—an energy crisis, which they believe means that we have to change all the rules, saying we can no longer keep this land at least protected so future generations can enjoy it. They say because of our need for energy we have to break a lot of rules; we have to start drilling in the Arctic National Wildlife Refuge; we have to start drilling in the national monuments; we have to start looking for oil and gas in places that a lot of Americans honestly believed we had declared off limits.

President Bush and Interior Secretary Gale Norton have publicly stated they believe that some of our national monuments would be good places for oil and gas drilling or coal mining. Oddly, the monuments being targeted have one thing in common: Every single one was designated by one President, President William Jefferson Clinton. So when they look at monuments across the United States that they want to go drilling on, they have only picked one group—those designated by President Clinton.

President Bush needs to realize that damaging these irreplaceable lands is not going to solve America's energy crisis, but it could cause a crisis in conservation. Americans are rightfully concerned about energy security. But I don't think that most Americans believe that we are in such dire straits that we should invite the big oil and gas producers into these protected lands.

My amendment would simply prohibit new mineral leases from being issued in designated national monuments. My amendment does not affect any valid existing rights or prevent leasing in any area that was authorized for mineral activity when the monument was established. I want to make that point clear. Some will come before us and say: You are going to shut down oil and gas drilling and mining in these monuments, and it has been going on for years. If it took place before, if it is existing, if it has been approved, this amendment has no impact whatsoever. But it is the new drilling, the new mining, this new exploration in these national monuments that would be prohibited by this amendment.

When a President issues a proclamation designating a national monument, it is not unusual for existing rights to drill to be maintained. The real intent of this amendment is to preserve the existing boundaries of monuments so this administration can't shrink them to make even more lands available for energy exploration.

Since 1906—the day of Teddy Roosevelt that I noted earlier—14 of the next 17 Presidents of the United States, Democrat and Republican alike, unapologetically and proudly designated national monuments under the Antiquities Act, for a total of 118 national monuments. Only three Presidents in the 20th century did not designate national monument territory—Presidents Nixon, Reagan, and the elder George Bush.

People say, well, I have heard of national parks and national forests. What is a national monument? Half of our national parks started out as national monuments. Let me tell you what they include. The Grand Canyon was designated as a national monument; Glacier Bay; Zion; and Acadia National Park. The national monument is the first designation of a piece of land in America that can have lasting values as part of our national heritage. Can you imagine, for a moment, if those who preceded us did not have the foresight to protect those lands, what America would have given up not to have these resources available, so that families of today and tomorrow can take their children and look out at that magnificent expanse of the Grand Canyon and stand in awe and wonder of God's creation? Thank God, someone had the foresight to think ahead and believe it was worth designating that, first, as a national monument and then as a national park, to be protected.

This amendment is addressing a new mindset that says when it comes to today's national monuments, it is a different story; they are up for grabs. We are involved in an energy crisis. People can drill for oil and gas on these new monuments designated by President Clinton. That is so shortsighted. It loses vision when it comes to what our country is all about and should be all about.

The Bureau of Land Management has the responsibility of managing public lands across the United States, and we have thousands and thousands of acres. I see Senator HARRY REID from Nevada is here. I don't know what percentage of his home State is Federal land——

Mr. REID. It is 87 percent.

Mr. DURBIN. It is 87 percent. Many Western States have similar percentages of Federal land within their boundaries. In the earliest days of our country, of course, there wasn't a great hue and cry to have private ownership in this land. The Federal Government owned it, and some of it may never have any real practical value when it comes to residential or commercial development. But the Federal Government took the responsibility under an agency known as the Bureau of Land Management. This is kind of the landlord for America's public lands. The Bureau of Land Management has determined that 95 percent of the lands they manage across the United States are already available for oil and gas leasing. So if you hear an argument from the other side that we now have to go and drill into the national monument lands because we have nowhere else to look for oil and gas and precious minerals, that is just not the fact. Ninety-five percent of the Federal lands managed by the Bureau of Land Management are already available for oil and gas leasing.

Instead of hopping onto the drilling bandwagon, we should first focus on energy exploration in existing areas before we turn to these precious national monuments. I am afraid that the President and many of the people in the energy industry talk about oil and gas development as though it were the cure for all of our energy woes in America—drill and burn, drill and burn, drill and burn. There is much more to the challenge that faces our Nation.

The President has to acknowledge that the longstanding supply and demand and balance in the United States will not be solved overnight, and it won't be solved with 19th and 20th century thinking. Our Nation consumes 9.1 million barrels of oil a day. We import about half of that—more than half, frankly. Oil production from Federal lands—all Federal lands—supplies about 10 percent of our total oil needs. This isn't enough to bring U.S. energy independence or significantly meet the U.S. demand. It is interesting that the Wilderness Society——

Mr. REID. Will the Senator from Illinois yield for a question?

Mr. DURBIN. Yes.

Mr. REID. First, I ask the Senator to list me as a cosponsor.

Mr. DURBIN. Madam President, I ask unanimous consent that that be the case.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

Mr. REID. I say to my friend, is the Senator aware that the U.S. Geological Survey has estimated that the reserves within the 15 national monuments designated since 1996 would produce 15 days' worth of oil and 7 days' worth of natural gas for our country? Is the Senator aware of that?

Mr. DURBIN. The Senator is right. Those are the numbers I was about to quote.

Mr. REID. I am sorry.

Mr. DURBIN. I am happy to have the Senator add that to the debate. Frankly, if we are talking about energy needs in America and drilling in places we never would have considered drilling before, whether in the Arctic National Wildlife Refuge or national monuments, certainly someone has to make a compelling argument there is so much energy there that America cannot turn its back. The statistics the Senator from Nevada has quoted and an analysis by the Wilderness Society come to the same conclusion.

The total economically recoverable oil from the monuments that I protect in this amendment is the equivalent of 15 days, 12 hours, 28 minutes' worth of energy for the United States. Economically recoverable gas, as a portion of total U.S. consumption, is 7 days, 2 hours, 11 minutes.

What would we give up for that small opportunity to bring that much energy into the picture in the United States? Frankly, we would be drilling in areas which have been designated as special and important treasures that the United States should preserve.

I am glad we are having this national debate about energy conservation and energy efficiency. It is important that we have it, but it is also important that we do not believe the answer to all of our energy problems is to find new places to drill.

Just last week I joined my colleagues, Senator FITZGERALD of Illinois and Senator DEBBIE STABENOW of Michigan, at a press conference on the banks of Lake Michigan on a rainy Tuesday before the Fourth of July. As hard as it is to believe, there is one Governor of a State adjoining Lake Michigan who now believes we should drill for oil and gas in Lake Michigan and the Great Lakes. There are those of us who think that, too, is a rash judgment and one we can come to regret.

A lot of people say: It would only be a small little derrick or a small drill out there. I had the experience, I guess it has been over 15 years ago or close to it, of going up to Alaska after the *Exxon Valdez* spill. *Exxon Valdez*, if I remember correctly, was about the size of three football fields. It was a long vessel. When it ran ashore and when its tanks and all its crude oil spread out across the area, it devastated wildlife and left contamination for decades to come.

When we talk about drilling for oil and gas, we have to be careful that we do it in a responsible environmental way so that we do not run the risk of contamination or ruination of important national treasures, such as the Great Lakes, the Arctic National Wildlife Refuge, or the national monuments designated by President Clinton.

As we can see from the situation in California, energy conservation does work. When they saw the high prices, they reduced their consumption by over 11 percent in a short period of time. It is a lesson to all of us. We can all do better, every single one of us. Before we start drilling into these pristine areas, should we not have a national policy that talks about sustainable, renewable fuels and energy conservation?

I am afraid this administration focuses on drilling and drilling and drilling, and that just is not the answer to all of our challenges.

This land is protected as national monuments because we realize all of the Nation's public landscapes are not appropriate for oil and gas drilling. These lands have intrinsic value. Just because there may be some energy there, even if it is very limited, does not mean we need to drill for it and run the risk of contamination and ruining these great national treasures.

The national monuments belong to the American people. The Government has agreed to hold these lands in trust for our generation and future generations to appreciate. The President of the United States, as a successor to George Washington, as a successor to previous Presidents, was given the responsibility of protecting these lands—first and foremost, protect our national natural heritage—not destroy them.

This energy crisis should not be used as an excuse for us to do things we will rue in the days and years to come. Exploiting our national monuments for a tiny bit of mineral resources will not ease energy prices today, tomorrow, or even next year.

Let's not be misguided. Let's focus the energy debate on responsible energy development, renewable energy, efficiency, and conservation efforts. I urge my colleagues to support my amendment.

I leave my colleagues with this quote, again from Theodore Roosevelt whose words still ring true today:

> Conservation means development as much as it does protection. I recognize the right hand duty of this generation to develop and use the natural resources of our land, but I do not recognize the right to waste them or to rob by wasteful use the generations that come after us.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, I oppose this amendment. It seems we want to make a blanket assertion on what we should do with our monuments. We have to remind ourselves that we are energy deficient.

As for Montana, where there was a national monument created, there are 77,000 acres of privately held land. Even the former Secretary of the Interior, Bruce Babbitt, recommended that oil and gas production in that area should be sustained.

There was a public process. The resource advisory committees in each of these areas made the same recommendation: Gas and oil production could be sustained without harming the land in that national monument.

These areas have also been studied. They have been studied by different committees whose members live in the area. They understand that land and the recommendations that were made.

We in Montana want to contribute something to the energy situation in this country. So far, no one has come up with any solid replacement to oil and gas production for transportation or power generation fuels.

I, therefore, urge my colleagues to oppose this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank the Chair.

Madam President, I rise today to support the Durbin amendment that will protect our national monuments from energy exploration. I am pleased to be a cosponsor of this important amendment, and I thank Senator DURBIN from Illinois for his work and tremendous efforts on behalf of our national heritage and our national monuments.

The truth is, we should not need an amendment to protect our country's national monuments from energy exploration. These unique landscapes, including the Hanford Reach National Monument in my home State of Washington, were designated as national monuments because they are important in their own right and they deserve to be protected.

We should not need an additional amendment to keep oil derricks out of these lands, but unfortunately that is where we find ourselves today. The Bush administration has proposed exploring for energy even in our national monuments.

When I go home every weekend and talk to my friends and neighbors and go to the grocery store, my constituents come up to me and ask: Is nothing sacred anymore? Drilling in our national monuments is just wrong. This amendment says the Federal Government should not promote energy exploration on our most precious lands, on our heritage.

I recognize the need to find new sources of energy. The Federal Government has always actively promoted the extraction of new energy resources. This can and will continue. During the Clinton administration, thousands of new drilling permits were actually issued for Federal lands. Since the early 1980s, the projection of natural

gas on Federal lands has been increasing steadily. Efforts to find energy on our Federal lands must continue. But attempts to find energy in our national monuments must never begin.

Today, 95 percent of Bureau of Land Management lands in the Western States are open to coal, oil, and gas leasing. We do not need to open up our national monuments, as well. I realize this is a challenging time because we are facing an energy crisis. In my home State of Washington, we are experiencing dramatic rate increases because of the many factors involved, including a drought and too little energy production and a spike in gas prices.

Thousands of my constituents are out of work because of high energy costs. No one needs to tell anyone in Washington State we have to increase energy production. We know we need to increase capacity and that is what we are doing. We are working to site new generation capacity. On the Oregon and Washington border, we are constructing the country's largest wind farm. We have natural gas plants going up. We have a proposal for a coal-fired plant. We are upgrading our transmission system to deliver new generation supplies.

We know what we need to do and we are taking action. But we know we don't need to drill for natural gas in our national monuments.

The Hanford Reach National Monument is a national treasure. It includes the last free-flowing stretch of the Columbia River. It is the most productive spawning ground for threatened salmon in the entire Columbia River Basin. It is home to threatened sage grouse and 2 plant and 40 insect species that are brand-new to science.

The monument also includes and borders important historic and cultural features. The area is rich in important Native American, early pioneer, and nuclear production history. The Hanford Reach National Monument may be the most unique monument in the entire country.

I have heard some people suggest that the national monument designations made by President Clinton were made too quickly, without public involvement, and without consideration of energy production values. That is simply not true. I have been working since my first year in the Senate, 9 years ago, to protect the Hanford Reach. I introduced legislation in the previous three Congresses to protect that area. We held numerous public meetings, we got lots of local input from local leaders, local folk, and we debated a lot of different proposals.

The administration had 8 years of knowledge developed by the consideration of various protection proposals. The plans considered irrigation, farming, and the potential for gas outside the monument's boundaries. The plan considered commercial development of lands by ports and cities. In fact, the final designation even included a provision ensuring a new right-of-way for energy transmission lines to go across the Hanford Reach. All of those considerations helped define the final boundaries of that national monument. So for some to suggest now that we never thought about our future energy needs is just plain wrong.

In the end, the final decision was that the ecological and historical values of the Hanford Reach merited protection as a national monument. We knew what we were doing by that designation. We knew we were choosing to protect the unique and vital habitats. We knew we were honoring important cultural sites, and we intended to leave this legacy to future generations.

Protecting certain areas for generations to come is an admirable goal. These designations were made after full consideration. This Congress should not now in any way undermine those legacies in favor of the energy industry. We should not have to fight back these attacks on our very limited protected lands.

I believe we should preserve these ecological and historic treasures for future generations. These lands belong to all of us. We are responsible for protecting them. That is why the Durbin amendment is so important. I urge my colleagues to support it.

I thank my colleague from Illinois.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I rise today to support also the amendment offered by my colleague from Illinois, Mr. DURBIN. I am proud to join him in this effort and to be an original cosponsor of his amendment.

My colleague from Illinois seeks to make certain that amendment language offered by the Congressman from West Virginia, Mr. RAHALL, which would prohibit drilling for oil and gas and mining in our national monuments is included in the Senate bill. The Rahall amendment passed the House overwhelmingly by a vote of 242–173.

Madam President, I support this amendment because I believe that to not speak loudly against the Bush administration's proposals to re-open many of these monuments under the guise of our present energy concerns is a dereliction of responsibility for this body and this Senator.

It is the responsibility of this body to review areas designated as national monuments to determine whether or not additional designations should be conferred—such as creating a national park or a wilderness area out of lands administratively protected as a monument.

Presidents have designated about 120 national monuments, totaling more than 70 million acres, and given that Congress has done its review, most of this acreage is no longer in monument status. For instance, Grand Canyon National Park initially was proclaimed a national monument but was converted by Congress into a national park.

Congress should responsibly exercise its authority, and be clear about its intent, which this amendment does. This amendment prohibits the administration from proceeding with drilling for oil and gas and mining in our national monuments. This amendment will prevent these activities which are incompatible with many of the federal land use designations Congress might confer until we truly examine these areas. Monument designations create expectations on behalf of our constituents, Madam President, that these areas are protected and we should work to make certain that is so.

I am aware that Presidential establishment of national monuments under the Antiquities Act of 1906 has protected valuable sites but also has been contentious. President Clinton used his authority 22 times to proclaim 19 new monuments and to enlarge 3 others. The monuments were designated during his last year in office, with one exception, and I will speak about that exception in greater detail. President Clinton's 19 new and 3 enlarged monuments comprise 5.9 million Federal acres. Only President Franklin Delano Roosevelt used his authority more often—28 times—and only President Jimmy Carter created more monument acreage—56 million acres in Alaska.

The monument actions, regardless of one's position on them, were needed because Congress had not acted quickly enough to protect these Federal lands. The best response to concerns about the monument process is to support my colleague from Illinois, Mr. DURBIN, and not allow modifications to the monuments that some perceive were created unfairly to be made in an equally concerning fashion.

My constituents do not support expansion of oil and gas drilling and mining in lands designated by Presidential declaration as national monuments. I personally know the value of wild areas, and the threats that mineral, coal and oil and gas exploration pose. Though I have not been to all the monuments designated by President Clinton, I have hiked the Grand Staircase-Escalante National Monument, an area that the Senator from Illinois and I believe should be designated as wilderness.

I hiked down a 65-degree slope to Upper Calf Creek Falls in the Grand Staircase. It was a challenging and spectacular trip. Calf Creek meanders along a shallow valley with several deep clear pools before the upper falls, where the creek drops 88 feet over a cliff face at the head of Calf Creek Canyon. This deepens gradually for 2.5 miles south then doubles in size below the 126-foot lower falls. The path to the falls is down a steep slope of white slickrock marked by cairns of dark, volcanic pebbles then across flatter sandy ground to the canyon edge, with a total elevation loss of almost 600 feet. My experience is that this monument is a spectacular place and one with now tremendous recreational value and use. I should be preserved that way.

I use my Upper Calf Creek trip as an example of why the Senator's amendment is needed. We should be preserving our options with these lands, not opening them for development. I support this amendment and urge my colleagues to do so as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I don't know if any Senators are here to speak in opposition. If there are, I will yield to them. I would like to speak and close debate, but I want to make certain the other side has ample opportunity to express its point of view.

Mr. BURNS. I ask the Senator from Illinois, as I understand it, the amendment prevent any further drilling, or does it bar all drilling, even though there are rights there in the first place?

Mr. DURBIN. The amendment clearly states if there is existing drilling, existing rights, it does not in any way infringe upon those. It is a question of new drilling, new leasing in these areas.

Mr. BURNS. If that resource is there and it can be done in an environmentally sensitive way, why is that bad or wrong?

Mr. DURBIN. I say to the Senator from Montana, I don't believe either of us would consider drilling on the Capital Mall or perhaps in the Grand Canyon or near it. There are certain things where we draw the line and say we know there may be energy resources, but if we are so desperate in this country that we have to reach that point, we have gone too far.

I think when you look at the estimated resources available in these monuments, they are so minuscule in terms of our national energy picture, many of us believe it is far better to say to future generations: Listen, we found another way to find energy, to conserve energy. We didn't spoil something that future generations will treasure.

Mr. BURNS. We had the Secretary of the Interior up in Montana. In the upper Missouri, which was designated as a national monument, I tell my good friend from Illinois, we asked the Secretary, No. 1, to find the gas well and then find the pipeline that carried the gas from the wellhead into the main pipeline. He could not find it. He could not find either one of them—he tried by air and by land—until we showed him where they were.

What I am saying is we should consider the new technologies and how we regard our lands, especially the big open lands. I am not talking about a monument such as The Mall; I am talking about land that is in bigger country that is very seldom ever walked upon by the people who probably own the grazing lease. We still allow grazing in national monuments. Very seldom are those lands ever walked on by anybody else.

We have an area in Montana that is going to demand some more attention in the next 2 or 3 years because it is along the Missouri River and that was the route of Louis and Clark. Of course, this will be the 200th anniversary of the Louisiana Purchase, and the trek of Louis and Clark will draw a little more attention to that area.

But tell me why we would completely close out the possibility, even under emergency conditions, in areas where we could develop that energy—and especially natural gas, which is the cleanest of all energy that is coming from the fossil fuels we take from the Earth—why we would close out that possibility.

Mr. DURBIN. I say this to the Senator from Montana, whom I respect. We come at this with a different attitude towards national monuments and national lands. I think we do have a genuine difference of opinion. I am aware, and I am sure my colleague is, too, that 95 percent of the Federal public lands under the management of the Bureau of Land Management are currently open for oil and gas drilling. I do believe it is not unreasonable to say that 5 percent of the Federal lands that we own are so important to our national heritage that we are not going to go in and drill.

No matter whether you can sneak in there and come out again and folks say, ''We were not even sure they were there,'' every time you do that you run a risk—I am sure the Senator from Montana knows that—that it will not be as clean an operation as you want it to be. You run a risk you will change an ecological balance in an area that has been the same for centuries.

I think it is not unreasonable for us to say, as we do in our normal lives, there are certain places that are treated differently than others. We treat our churches a little differently than we treat our shopping malls. We just view them differently. I think when it comes to our national treasures, our national monuments, it is not unreasonable to say these are areas which will be treated differently.

Mr. BURNS. I tell my good friend, it is that kind of mind-set that said we are going to save the suckerfish in Klamath Falls, OR, and it takes precedence over 1,500 families and their future and our ability to provide food and fiber for this country. It is a trash fish. That is going on right now in that basin.

That is what I am saying. When we take a look at what our attitude is about a certain thing and hide behind the screen of green and throw out all logic on the management of those lands, then we may have to reassess how we look at all lands, even those that exist in the State of Illinois. That is what I am saying. It is something that creeps into the mind-set, that it is all right to disrupt our lives and our families—even though we do it right and in an environmentally sensitive manner—because of a mind-set. I think that is where we have a basic philosophical difference on how we manage land.

I look at it much differently. I know you come from down there not too far from where I was raised. I was raised in Missouri. I never thought about water rights until I went west, where there wasn't any. There wasn't any water. Those things become very important. But they never entered our life when I lived in the lower Midwest.

I just think it is a mistake whenever we close up an area because of a mind-set that we cannot do it right and we here in Washington, DC, are basically in a better position to make the decision, more than having the decision made locally. Even the Senator from Washington says we had local input. We did the boundaries originally. We looked at the land that was sensitive, and we set it aside.

I agree with that. There are areas in the Missouri Breaks that I think should be set aside and even made wilderness. The river is already a protected river. I agree with that.

But whenever you take one broad swipe across a huge amount of land, especially when you have 77,000 acres of in-holdings and you have to cross public lands just to get to them, then we make a decision here that impacts people's lives in a real way. Those people have faces. That is why I oppose this amendment. I am not calling for the repeal of the Antiquities Act. What I am saying is we are impacting our own Nation's ability to produce food and fiber and energy because of a mind-set that sounds warm, green, and fuzzy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Senator from Montana. I know his opinions are heartfelt. He and I have talked about this on the floor on previous occasions. But I hope we can put this in some perspective.

America is a great nation. God has blessed us with resources that many nations around the world envy. Fortunately, leaders in this country with foresight decided long ago that there were certain treasures, national treasures in America, that needed to be protected and preserved.

Mark my words, when they made those suggestions they were not always popular. There were people who had ideas that something else could be done with that national park or that national monument. But those leaders stood their ground and said: We can find other ways to provide for the occupations and professions of people living in these States. We can find other sources of energy. We do not have to spoil a national asset, part of our national heritage that we can never, ever again reclaim.

The Senator from Montana talked about national monuments, and, I guess, the energy potential that they offer to the United States. Here is a summary from the U.S. Geological Service about the economically recoverable oil and gas from national monuments.

I might remind those following the debate that it is now President Bush who wants to initiate new drilling for oil and gas in national monuments—protected lands set aside by the previous administration to be preserved for future generations. This President wants to let the oil and gas companies come in and drill on these lands.

When the Senator from Montana talked about trash fish, I can't argue the story. I don't know that side. This is not trash. This is a national monument. This is a beautiful span of land set aside for future generations by the previous President.

Picture, if you will, in this rare piece of real estate in America, oil and gas drilling. Have we reached that point? This is not trash. This is a treasure. We shouldn't take it lightly when it comes to oil and gas drilling in America's treasures.

Let me give you an example of some of the national monuments and what the geological survey estimates is available there if we follow President Bush's recommendation to go ahead and keep drilling; let's find new areas for oil and gas drilling in these national monuments.

In the Upper Missouri River Breaks in Montana, which the Senator from Montana made reference to earlier, the economically recoverable oil from that entire national monument is the equivalent of one hour's worth of gas consumption in the United States.

I didn't take those numbers because the Senator mentioned his own State but just to put this in some perspective.

We are going to go drilling in these national monuments to try to recover one hour's worth of energy for our country. And what do we leave behind? If we are lucky, not much—maybe a few footprints in the soil. But we can never be certain that we haven't spoiled or changed that forever.

All of the economically recoverable oil from all of the national monuments—where President Bush now wants to go drill—is the equivalent of 15 days, 12 hours, and 28 minutes of America's energy consumption. All of the economically recoverable gas as a portion of the total U.S. consumption from these monuments where the President now wants to go drilling is the equivalent of 7 days, 2 hours, and 11 minutes' worth of America's energy.

I listened to the news this morning. I hear there is a bill over in the House of Representatives on energy, and they are talking about perhaps for the first time that we are going to start establishing fuel-efficient standards for SUVs and trucks in this country. That is not radical thinking. I think it is sensible. I voted for it in the Senate. Just a little bit of energy conservation and a little bit of fuel efficiency makes this debate totally meaningless. With just a little change in Detroit we can save more oil than we can possibly derive from monuments. But the oil and gas companies want to get in there, and they want to make a profit. They have put these national treasures in the United States on the altar of greed and profit and the bottom line. That is just plain wrong.

I don't think I will prevail on this amendment. But I tell you that, as Senator FEINGOLD from Wisconsin, Senator MURRAY from Washington, and Senator REID from Nevada said, this is worth a fight.

You don't get many opportunities to cast a vote while on the floor of the Senate that have a lasting impact for generations to come. This is worth a fight. This is worth a vote.

I hope some of the Republican Members who come to the floor will remember one of the greats in their political party, Teddy Roosevelt—whose bust is right outside this door—who really defended conservation for America and made his party the proud patriarch for conservation in America. I hope they will remember when they come to the floor and take real pride in that rather than the oil and gas companies that just want to get their dirty hands on our national monuments.

We can do a lot better in this country. The oil and gas people have 95 percent of the Federal land to deal with. They do not need the 5 percent that we should be preserving and protecting for future generations. This amendment says to them: Keep your hands off of it. Leave it for future generations. Let's find other ways to meet our energy needs that are environmentally sensible and responsible.

If I lose on this amendment, and if the Bush administration goes forward with the oil and gas drilling, a lot of people will, frankly, never know it. How many of us visit all these national monuments? But some people will—some who go to look for that treasure that was set aside will find it is no longer the treasure it once was; it has been used; It has been exploited; it has been spoiled and perhaps even ruined in the name of profit.

The starting point, for those following the debate, is these are public lands. This is not private property. These are national monuments and public lands. They are lands that belong to all of us as Americans. It is not just the 285 million alive today but our children and grandchildren as well. If we don't have the courage to stand up and say protect and preserve a small part of it for future generations, then we are turning our back on the legacy of wise stewardship that has guided this country for so many years. It has been 95 years since a Republican President named Teddy Roosevelt had the courage to stand up and say they were going to protect that heritage. Ninety-five years later, another Republican President says, no; we are going to drill for oil and gas in that heritage.

What a difference. We will put an end to it with this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, there is a great deal of what my colleague from Illinois has said that I just won't disagree with at all. This is an important thing to be corrected, though, in his statement because we must deal with facts here when we are talking to the American people about the choices they will have to make depending on the policies we create.

First, the Bush administration is not advocating drilling in all of the monuments of the lower 48 States. That is a falsehood. What is important to say is that the Bush administration is proposing an energy policy that would open up public lands to be explored for the purpose of finding additional energy resources to determine whether or not they ought to be developed. That is a very real and different statement than the one my colleague from Illinois just made.

What is important about this debate is a choice that we are asking the American people to make. I think it is an important choice. I think it is worthy of the debate that we are having.

Energy security, the right of the family to know that their energy is secure, that their lights won't go out, or the cost of driving their minivan or their SUV is going to double or triple over the next couple of years, or the right and the power of big oil and OPEC to dictate that because policymakers were asleep at the switch or used false arguments to cause fear amongst the American people—if that is true, then shame on those policymakers. But bravo to the policymaker that is willing to stand up for the security of our country and the security of the American family.

That is what is important. Should the mom have to pay three or four times what she is paying now to drive her son or her daughter to a soccer game? Well, her costs have doubled in the last year. The reason they have doubled is because this country has not had a national energy policy. We had to go begging to the thieves in the Middle East, the OPEC crowd. That was the policy of the past administration—grab my tin cup and beg and let mom pay at the gas pump.

Was it the right policy? I don't think it was. I am not even going to suggest that drilling or allowing exploration in monuments is the right policy.

But what I will suggest to you today and to my colleague from Illinois is, do we have to make very hard-line choices in a world of modern technology and the talent that we possess today? Can we not shape an environment and shape a national economy that are compatible?

I agree with my colleague from Illinois. If you want to step back 30 years and use the argument of 30 years ago, he wins. If he is opposed to drilling or if he is opposed to exploration, that is correct. And I lose, if I am for it being based on 30-year-old technology. If you want the technology of today and tomorrow, then my guess is that it is a bit of a tossup.

We have preserved and protected the environment. But most importantly, we haven't forced mom to go to the gas pump and double her prices.

I recently talked to a young man who is vice president of a new technology company out in California. We know what has gone on out in California, and we can pick losers and winners and those to blame. I will tell you what was wrong with that young man. He had not made any bad choices. He was frightened. He drives a minivan; He has an economy car; and he has a house. But he said: Senator CRAIG, I am frightened I am going to lose my job. I have spent 20 years building a retirement, and the company I work for is teetering today because their energy costs have tripled, their profitability is disappearing, and they are laying off people.

That is as a result of this Senate, and others, not making the right policy choices over the last decade. That is why that young man in California is frightened today about his future.

What does that have to do with national monuments or the 23 new monuments that former President Clinton created in the lower 48? I believe it has something to do with it. I believe it has to do with the fundamental question that is being asked of my colleague from Illinois today, and that I ask of all of us: Can we live together compatibly in an environment in which we can apply new technologies to have abundant energy or do we have to pick winners and losers?

I totally disagree with him on his using Teddy Roosevelt as a facade to argue. Yes, you are right, Teddy Roosevelt, in 1908, created the great forest preserves of our country. I know. I am a bit of a student of Teddy Roosevelt. I do not use him when it is comfortable. I study him, and I believe in him. And he went on to create some of the grand national parks. But my guess is, he would not have run around the country in his last 5 years creating all kinds of monuments for the sake of developing environmental votes. He did it because he saw the need to create and protect the true jewels of our country's environment. What Teddy Roosevelt also knew was that you had to have something that was in balance.

I will tell you, the Senator from Illinois is absolutely right: If we take all of these monuments off the table and we do not drill in them, we will not feel it tomorrow, and we will not feel it the next day, and our dependency on foreign oil will grow from 50 percent to 60 percent to 70 percent. If we can play games with the OPEC boys and we can keep them at about $28 a barrel, then we are OK—probably.

Now your gas prices have doubled. For a family making $15 to $25,000 a year, that means 30 percent of their income gets spent on energy. But for somebody such as the Senator from Illinois or myself—we are making pretty good money—it probably will not affect our lives very much because it is a smaller percentage of our total spendable income.

Shame on a country today that understands technology and understands the environment and isn't willing to try to make both of them work together. The Senator from Illinois and I want clean air, we want clean water, and we are going to insist on it because we think that is the right public policy. And we want to preserve the crown jewels of our Nation because that is the right public policy.

But when a President comes to my State and carves out 250,000 acres, it is not the Washington Monument; it is 250,000 acres of sagebrush land with a few rocks on it and a few unique geologic features. Interestingly enough, there is no hydrocarbon because it is a volcanic formation, and they were all burnt out about 2½ million years ago. So the argument does not apply to Idaho.

But my guess is, the Senator from Illinois has picked something that is very popular, if you argue it only on one side. But I challenge my colleague from Illinois to tell the American household and the American mom that they will forever be secure in that the lights will never go out or the gas bills will never go up much more than they have gone up now, and we will work collectively together to build a national energy policy that includes conservation and modernization and technology, and that we become self-reliant, and that we build a national security that says we can produce our own energy and we do not have to ask the world at large to provide it for us.

That is a part of this debate. It really is a part of what we ought to be considering today when we decide whether we are going to deny the right to explore on public lands in this country. I think that is a worthy debate. I thank my colleague from Illinois for bringing the issue to this Chamber because it is important for all of us to understand: 20 years ago, you bet, lock it up to protect it; today, modernization and technology says—and I think America believes—that we have come a long way and we can do a better job of balancing the environment and the economy and the use of it all together in an effective manner. And today's debate is just a little bit about a lot of that.

I am concerned about the families of America and their energy security. I do not want them paying more and more of their hard-earned money on energy. But I am not sure that the kind of policy that is being advocated today in this amendment will guarantee that. And I am not at all confident that the Senator from Illinois can assure it. But that is the crux of the debate.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I thank my colleague, the Senator from Idaho. We clearly have a different point of view. If you listened to his argument, you would think the Durbin amendment would prohibit oil and gas exploration on 95 percent of Federal lands saying that we can only use 5 percent for that purpose. Exactly the opposite is true.

Currently, we can explore for oil and gas on 95 percent of lands under the Bureau of Land Management—Federal public lands which are open to find energy resources to serve our Nation's needs. I am not arguing with that. I accept that.

This amendment says that for 5 percent—1 acre out of 20—we are going to treat it differently. These are national monuments. These are special lands. These are not your run-of-the-mill pieces of real estate. These are lands designated by President Clinton, and monuments that have been designated by previous Presidents, that are being protected and treated differently.

The Durbin amendment says: No oil and gas drilling or mining in the new national monuments designated by the previous administration—a relatively small piece of real estate that has special important value.

The Senator from Idaho has said I am trying to come up with a hard-line choice here. Guilty as charged. It is a hard-line choice. It is a choice that says there are certain pieces of real estate in America worth fighting for and worth protecting and worth saying to private industry—whether it is big oil or big gas—keep your hands off. You have plenty of other real estate to look at. Don't go up to the Arctic National Wildlife Refuge and don't go into the national monuments designated by President Clinton because I want to be able to take my grandson one day to take a look at them and see the beauty that God created and not have to duck the pipelines and the trucks and all the economic activity of people trying to make a buck off Federal public lands.

Ninety-five percent of the Federal public lands are open to this exploration. For 5 percent there should be a different standard. Yes, there should be a hard-line choice.

Let me address for a second the issue that has been brought up over and over again: What about our energy crisis? We do face an energy challenge. There is no doubt about it. In my home State of Illinois, and across the United States, in the last calendar year we have seen some terrible examples. Home heating bills have gone up dramatically in my home State of Illinois, and other places; electric bills in the State of California; gasoline prices between Easter and Memorial Day—that has now become the play period for big oil companies. They run the gasoline prices up a buck a gallon between Easter and Memorial Day, and then after every politician gets a head of steam and starts screaming at them, they bring them back down. I would like to believe this has something to do with whether or not we are going to drill for oil in a national monument, but honestly I do not.

We are victims of oil companies now that are making decisions that have

little or nothing to do with supply and demand. This is the only industry I know that can consistently guess wrong in terms of the supply available to sell and make record profits. And they have done it consistently for 2 straight years.

So to argue that the only way to deal with our energy challenge and the OPEC stranglehold is to start drilling for oil and gas in precious lands set aside as national monuments is so shortsighted. Are we so bereft of original and innovative ideas in Congress and in Washington that we cannot think of another way to help provide modern, sustainable, reliable energy to America other than to drill for oil and gas in our national monument lands? I do not think so.

I think there are other ways—sustainable, renewable fuels, conservation; things that work, things you will be proud of, 21st century thinking—not the drill-and-burn thinking of the 20th century and the 19th century that has inspired this administration to decide that, unlike President Teddy Roosevelt, this Republican President is ready to start exploring and looking for oil and gas in these national monuments.

We can end our dependence on foreign oil, but we don't have to do it at the expense of America's national and natural treasures. I urge my colleagues in both political parties to agree with me that setting aside 5 percent of Federal lands, keeping them separate and sacred, is worth the investment. We can find another answer, an answer that preserves those lands for future generations and still meets the energy needs of America.

If there are other Senators seeking recognition on this amendment, I yield the floor.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Utah.

Mr. BENNETT. Mr. President, there has been a lot of historic revision going on with respect to the creation of national monuments. I rise to set the record straight.

The record is available for those who will research it, but for those who may have been listening to this debate, it needs some accuracy in terms of what happened.

I was involved in it right from the public beginning, but I cannot say I was involved in it from the real beginning because the creation of the Grand Staircase Escalante National Monument was done in the dark. It was done without consultation with any member of the Utah delegation. And when members of the Utah delegation called the administration and asked what was going on, we were told: It is not happening.

To be very specific, in one example, let me describe to the Members of the Senate and to the Chair an exchange I had with Katie McGinty, chairman of the Council on Environmental Quality.

First, to put this in historic context, a story appeared in the Washington Post saying that President Clinton was considering a major national monument in the State of Utah. Immediately after that story appeared, the administration denied it and said it was just a consideration, just an idea, and under no circumstances were they that far along in serious consideration of a national monument.

Understand that the law required, under NEPA and appropriate environmental laws, that there be full public examination and consultation. The administration knew that. So they said, no, there will be no consultation because this is just an idea.

I had had experience. I called Bruce Babbitt. Bruce Babbitt and I had a very frank relationship. Even though we disagreed on many things, we could be honest with each other. I called Bruce Babbitt. He was appropriately professional; he didn't let out any secrets. But he let me know that it was perhaps more than just an idea.

I said: What should we be worried about? He told me some things we should be worried about in a theoretical sense. In case this was a real monument, we should be worried about the following. I wrote him a letter about them.

Finally he called me. He said: Come on down to the Department of the Interior and we will talk about this. And with the other members of the Utah delegation, Senator HATCH and Congressman HANSEN, I went down to Department of the Interior. It was on a Saturday morning when there was nobody else around. We sat in his conference room. Katie McGinty was there, along with a large number of his staff.

I asked him repeatedly and directly: Mr. Secretary, will the President announce the creation of a national monument on Wednesday of this coming week, as the press is speculating that he will?

Bruce Babbitt, being a careful lawyer, looked at me and said: No decision has been made. He didn't say yes and he didn't say no. He just said: No decision has been made.

I took that, from my experience with the Clinton administration, to mean ''yep, it is a done deal; I can't tell you about it, but it is done.''

So convinced that the monument was going to be created, on Monday morning, in my office, Katie McGinty was there as the leading administration spokesperson on this issue. And I said: Ms. McGinty, you say this is under consideration but no decision has been made. Given the consideration, can you give me a copy of the map so that I can see what lands are under consideration?

She looked me in the eye and said: Senator, there is no map. We are not that far along. This is just an idea. There is no map.

I said: As soon as there is a map, can I have a copy?

Oh, yes, Senator, as soon as we have a map, but we are not that far along.

That was Monday morning. On Wednesday morning I get a phone call from Leon Panetta, Chief of Staff to President Clinton.

Leon Panetta said: Senator, I am calling to tell you that this afternoon in Arizona, President Clinton will announce the formation of the Grand Staircase-Escalante National Monument, the details of where it will be and everything with respect to it.

I held my anger because Mr. Panetta obviously had nothing to do with this. This was a done deal outside even the office of the Chief of Staff of the White House.

I said: National monuments require—and I listed all of the things that were involved in the creation of a national monument.

He said: Yes, national monuments require all those things. There will be a 3-year period after the creation of the monument in which we will deal with those issues.

Every one of those issues should have been dealt with publicly and openly prior to the creation of the national monument, but all of them had been held in secret.

I expressed my disappointment in that. Mr. Panetta, in a moment of candor said: Well, Senator, we have 3 years in which to try to clean it all up.

When Katie McGinty appeared before the appropriations subcommittee, I sat with the subcommittee and I said to her: I want to see all of the documents relating to this decision. You didn't create this out of whole cloth in a 24-hour period.

I made it very clear that I did not believe her earlier statement that there was no map and no consideration if, in less than 48 hours, the President made a complete public disclosure of it. Presidents don't do things in 24-hour periods. Something as major as this doesn't just happen overnight. It isn't an immediate decision. It is staffed out somewhere.

I said to her: I want to see all of the documents relating to the decision to create this national monument.

Oh, yes, Senator. I will provide this. It was a completely open process.

And then we got a map. I discovered, by the way, that the map had been in circulation among environmental groups for 3 months prior to the time when I asked her for a copy, and she told me none existed.

We looked at the map to see how carefully drawn the boundaries were of this national treasure we were hearing about. In one of the towns in Utah, the high school football field was in the national monument. The map was drawn in secret. The map was drawn with people who would not consult with those who knew what was going on, and they had drawn the line so wildly that they had picked up the football field of a high school, thinking that was part of the national monument.

One of my constituents found his front driveway in the national monument. He had to drive across national

monument lands to get to his house because they had ignored the procedures so fully, they were so anxious to do this in secret and not consult with anybody so that they would have a political coup to announce in the middle of a Presidential campaign, that they made those kinds of mistakes.

Is it now so sacred a land that we cannot take the football field out and turn it back to the high school?

Is it so sacred a piece of land that we can't give the man his driveway back? I ask those questions rhetorically because we did that. In one of the previous Congresses, we redrew the boundaries and took out the football field and the driveway and some other mistakes that were made. I got my first set of documents from Katie McGinty, which were a speech made 3 years before and a travel bureau brochure. I went back to the Appropriations subcommittee meeting. It is not usually my style, but I am afraid I embarrassed her by holding these up and saying, ''You are suggesting that these are the basis of a decision to lock up 1.7 million acres in my home State? You are saying this is the complete record? I am sorry, I cannot accept that.''

Finally, at a later time, we got the complete file that she had with respect to the creation of this monument. I will say this in her defense. She did not shred any documents. When she turned the documents over to me, the file was complete. It contained the following documents in it: One dated several months before, where she says, ''We will have to abandon the project of trying to find lands in Utah that qualify for a national monument because it is clear there are none that do. Let's forget the Utah project because we can't find any lands that will qualify.'' And then, what I consider the smoking gun, there was a 5½ by 8½ piece of paper in which she had written in her own hand a note to the Vice President. The Vice President had been her boss. She was on his staff while he was a Senator. That would explain the familiarity of the note. It said: Al, the enviros have $500,000 to spend on this campaign, either for us or against us, depending on what we do in Utah. Signed, Katie.

I can't vouch for that being the exact language, but that is close enough. I read and reread that note many times. The national monument was being created in southern Utah in the dark to stimulate the expenditure of $500,000 of campaign activity on behalf of the Clinton-Gore ticket in 1996. There was the entire motivation following on the earlier document where she said there aren't any lands that qualified.

Now, the Senator from Illinois has said these are special lands and that they can explore for oil and gas on 95 percent of the public lands. This is reminiscent of a statement President Clinton made when he announced that monument. He said, ''Mining jobs are good jobs, but we can't have mines everywhere. So we will set this land apart so there won't be any mines here.''

If I had been there and had the opportunity to have an exchange with President Clinton, I would have said: President Clinton, you are exactly right. We cannot have mines everywhere. We can only have mines where there are minerals. Sure, you say 95 percent of the land is open for exploration. But nobody wants to explore lands where there is nothing to look for. Nobody wants to explore lands where there are no mineral resources. Why was this land set aside in a national monument?

The Senator from Illinois says he wants to take his grandson out some day to look at the beauty of the land. I suggest to him, bring your grandson to look at it right now. You will have the same reaction we are getting from tourists who are coming. We were told when this was created that we would have an economic bonanza of tourists coming to look at this magnificent piece of scenery. I have gone to the county commissioners of the counties around there and said, ''How much tourism have you had?'' They said, ''None.'' None? This has had so much publicity, surely people have come from all over the world to see this scenic wonder. Yes, they come—once. They say we have come to see this magnificent scenery President Clinton talked about on the rim of the Grand Canyon. He picked that as his backdrop to make the announcement. That is scenic and it is worth coming from all over the world to see. That was his visual aid when he talked about the land in Utah. The folks show up from Germany and Japan and elsewhere to look at the land in Utah, but they say: This doesn't look any different than any of the other BLM land we can see. What is the big deal?

They don't come back. We have seen two counties be destroyed economically since the creation of the Grand Staircase-Escalante Monument, as people were afraid to invest in those counties. They were not very viable to begin with and have no tourism. With all of the publicity, there is no tourism.

All right. I suggest to the Senator from Illinois, if he wants to take his grandchild to see this grand scenery, he can do it, and it will be there in future generations because it will look like all the rest of the scenery around it. Why was this monument created? It was created for one purpose, and one purpose only, and the documents I got from Katie McGinty that are made part of the public record make this abundantly clear, along with the smoking gun saying we are going to have $500,000 spent on our behalf if we do this, or spent against us if we don't.

The reason the environmental groups were so anxious to see to it that this monument was created was because of the coal on the Kaiparowits Plateau. Let me describe to you how much coal there is there. It is not available on any of the other 95 percent of public lands. It is only available on the Kaiparowits Plateau. The average coal seam is about 4 to 6 feet high. You go into a mine that has a coal seam in West Virginia—and I see the senior Senator from West Virginia here, and he knows more about coal than any of the rest of us—you are going to think you have a pretty good seam if it is 6 feet high. The coal seam in Kaiparowits is 16 feet high. It runs back from where the mine mouth will be, over 160 miles. There is enough energy in that coal to heat and light the city of San Francisco for 300 years. And it has been known for decades. You don't have to explore this. You don't have to go looking for it. People have known about it.

Over and above the coal generated by that incredible seam of coal is a pool of methane gas—coal methane gas, which, if tapped, would produce even more energy than the coal itself. There are no reliable estimates as to how much coal-based methane gas there is, other than ''huge.''

Now, neither the coal nor the coal methane gas can be used to deal with America's energy crisis. Instead, we are told: Go look someplace else. You have 95 percent of the public lands to look for. Don't look here where the coal is. Don't talk about a pipeline for methane gas here, where the methane gas is. Go look on lands we don't care about.

The sole purpose of the monument was to prevent the development of that resource at Kaiparowits. Here I go way back in history and share with you this insight: When my father was here—he came here in 1951, elected in 1950—the No. 1 issue facing the West was water. One of the proposals that was made during the Eisenhower administration was that we build a dam on the Colorado River that would be known as the Glen Canyon Dam and would create behind it Lake Powell. The predecessors of today's environmental groups came and testified against the building of the Glen Canyon Dam.

One of their arguments was: We will never, ever, need that much power. You have Boulder Dam—or Hoover Dam. It was called Boulder Dam in those days; now it is called Hoover Dam—we have all the power we will ever need for southern California, Arizona, Nevada, and Utah. To build the Glen Canyon Dam to produce that power will give us a glut of power, and we absolutely do not need it and never will need it. However, they said—and here is the point—if by some possible chance we are wrong and we do need that power, you still do not need the dam because there is all that coal at Kaiparowits. Let's burn the coal at Kaiparowits.

This was in the 1950s when my father was here. I remember the debate. I was serving on his staff while much of it went on.

Now the time has come when we need all the power at the Glen Canyon Dam which, incidentally, the Sierra Club wants to tear down, and we need some more power, and there sits a source of power perhaps unique in the world.

But, no, we cannot touch it. The way to make sure we cannot touch it is to create a national monument around it and to do it in such a way that it will never be subject to public comment or review. We will do it in secret. We will do it without telling anybody, and when members of the Utah delegation ask us about our plans, we will lie to them.

I am sorry to be that strong, but that is what happened because I asked the question directly, and I was given the answer directly, and the answer was a lie, demonstrable, provable in the RECORD. The answer I got was a lie.

Now we are being told: Oh, these are special lands that we must preserve for our grandchildren, when in fact the genesis of this monument makes it clear these are special lands primarily because of the mineral resources that are in them, the energy sources that are there, the low-sulfur coal which, by the way, if mixed with more traditional coal, would lower emissions at every powerplant where it was used.

For those who are concerned about greenhouse gases, they ought to be clamoring to open Kaiparowits to lower the emissions of greenhouse gases. If you say let's not do the coal, the coal is too bad, how about the coal-based methane gas? How about getting that out in these tremendous quantities? Oh, no, no, that would involve building a pipeline; we can't build a pipeline over these lands.

That is the history, Mr. President. This is not as it has been painted to be. And I do not impugn the motives of those who are painting it differently because they were not there. They do not understand the degree of duplicity that went into the creation of this monument.

If I sound angry, it is because, frankly, I was, as was everyone else associated with it, everyone else who was involved with the chicanery that was employed to create this monument.

Are there portions of the Kaiparowits Plateau that probably belong in national monument status? The answer to that is yes, there are. Am I and the other members of the Utah delegation in favor of preserving those lands in national monument status? The answer is yes, we are, but it should be done in the kind of open process that the Congress decreed when they created NEPA. It is too late for that now.

As Leon Panetta said to me, we have 3 years to pick up the pieces. The 3 years have passed and, quite frankly, the Interior Department and the folks at the BLM have, indeed, come up with what I consider to be an acceptable and logical management plan for the monument. But the fact is that all of those marvelous qualities for preservation in a national monument can be preserved and the coal can still be taken out.

I have been to the site where the mine mouth will be, and I say mine mouth singularly because you can get at that entire seam that I described through a single mine entrance. It would not require multiple entrances.

As luck would have it, or as nature has created it, that particular mine mouth is at the bottom of a circular canyon, which means it cannot be seen unless you are standing at the edge of the canyon looking down on it. It could not be seen by anybody 200 yards away. They would look right over the top of it on to the other side of the canyon and not even know it is there.

The entire facility to take the coal out of the Kaiparowits mine could be on 60 acres at the bottom of that circular canyon. We are not talking about a huge environmental disaster that will spread over several square miles. We are not talking about a visual blight that could be seen for hundreds of miles. We are talking about a mine mouth at the bottom of a circular canyon that could go right into a sheer cliff, into the seam of coal, and bring out enough coal to light and heat the city of San Francisco for 300 years, and we are talking about coal-based methane gas on top of that coal seam that has even greater energy potential.

It could be exploited without affecting in any way, other than psychologically, the beauty and power of the landscape on top of it. It can all be done underground—no strip mining, no open pits, no oil derricks. It can all be done in such a way that people who want a wilderness experience can have it unless somebody tells them: There is a pipeline 40 miles away from you. Oh, well, that spoils my experience to know there is a pipeline there.

You cannot see it. It does not affect you in any way. You cannot hear it. But the fact that it was put in there somehow will spoil the experience.

I am not suggesting we need to automatically go in there and start mining the coal right now, nor am I suggesting that we need to start putting down the initial wells to start getting the methane gas right now, because that would be as precipitous as the action was to create the monument in the first place. That would be a political action rather than an intelligent examination of this resource and what needs to be done.

I am saying let's give the President the authority to do the studies, make the examination, receive the public comment, go through the process that should have been done in the first place; then, with all of the facts on his plate, make a decision that I hope will not be driven by political considerations. I hope that nowhere in the files will be a note that says: There is $500,000 for the campaign if we act this way, and $500,000 against us if we act that way.

To summarize: I, the other Members of the Utah delegation, and the citizens of my State are as proud of the national heritage that we have received as anyone in this country. We take no back seat to anyone in our determination to see to it that these lands are kept as pristine and as preserved as they can possibly be.

I will share an experience I had on the campaign trail for the first time I was down in that part of the State. A woman I had been talking to, hoping to get her to support me, walked out of the restaurant where we were meeting, in a small Utah town. She said: BOB, look around.

I had no idea what she was talking about, but I looked around; I dutifully looked around.

And she said: What do you see?

Again, I didn't realize what she was talking about, so I didn't answer.

She said: It is pristine, isn't it?

It was then I realized she was looking at the land.

I said: Yes, it is pristine. It is beautiful.

Then she said: My family and I have been earning our living off this land for five generations. Tell me we don't love it. Tell me we have not been good stewards and can't take care of it and somebody else has to come in and order us off it in order for it to remain in good hands.

I have always remembered that comment. It is indicative of the way the people of Utah feel about our State. We are making plans to do everything we can as we look ahead. The demographic trends say our State will double in population within the lifetime of my children. We are making plans now to preserve the open spaces, to preserve as much of that which is beautiful and magnificent as can be preserved. We take our stewardship very seriously and we take a back seat to no one in our determination to see that stewardship is passed on to our grandchildren and our great grandchildren. But we want to do it intelligently. We want to do it in a way that makes sense. We want to do it with everybody participating in the process who will come to the table and talk to us. We want to hear every idea. We want to hear every point of view.

We don't want to see a repeat of what Katie McGinty and others in the Clinton administration did, of creating something in the dark, cramming it down people's throat without any opportunity for comment, and then declaring that it is forever and ever inviolate. That process only breeds ill will. That process only creates bad feelings. There is no place for that kind of process to ever be repeated.

My objection to the amendment by the Senator from Illinois is—and he would enshrine the results of that process—not the process; he had nothing to do with the process. He didn't know what was going on. If he had, given his sense of fair play, he probably would have objected to it, but he would enshrine the results of that process into law forever. That, frankly, doesn't make sense. It is a process that does not deserve to be rewarded with that kind of perpetual reference. We need to deal with our lands in a way that is good for the lands, a way that is good for the people, a way that is good for our posterity, and enshrining what was done in the case of the Grand Staircase-Escalante Monument is not the way to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that Senators FEINGOLD and BOXER be added as cosponsors to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DURBIN. I ask the majority whip if this is appropriate, we have a unanimous consent that the rollcall vote on this amendment be scheduled for 2:45.

Mr. REID. We will work on the exact time.

Mr. DURBIN. I will suspend a unanimous consent request on a specific time.

I will respond to my colleague and friend, the Senator from Utah, Mr. BENNETT. I have heard him speak before about the Grand Staircase-Escalante National Monument. He is a man of great control and moderation. I can tell it brings his blood pressure to a high level to recall the creation of this particular monument. He has heartfelt feelings about this process and he has expressed them, hopefully, in private.

I do say in fairness that one of the people he mentioned several times on the floor is someone I respect very much and worked with for many years, Miss Katie McGinty, who worked for the Clinton administration. I found her to be entirely professional and ethical, with the highest integrity and great skill. I want to make certain that is part of the record.

I also do want to make note of the following for the record, as well. With regard to the Grand Staircase-Escalante National Monument, the Bureau of Land Management has utilized an extensive process to develop a management plan to administer the new monument. The planning team included five representatives nominated by the Governor of Utah, Mike Leavitt. Over 28 meetings were held and over 9,000 comments considered prior to finalizing the monument management plan in February of 2000. In addition, following establishment of the monument, the Department of the Interior worked closely with the State of Utah to negotiate a major land exchange that traded State and Federal land so as to help maximize the value of State lands for the benefit of Utah's schoolchildren and provided a $50 million payment to the State.

My amendment addresses whether or not we will drill for oil and gas and mine minerals, particularly coal in this case, in the Grand Staircase-Escalante National Monument.

I make the following comments for the record: According to the U.S. Geological Service, all of the recoverable oil in the Grand Staircase-Escalante National Monument would provide for America's energy needs for a total of 4 hours. All of the recoverable gas in the Grand Staircase-Escalante National Monument would provide for America's energy needs for 1 hour.

On the issue of coal, fortunately, we are not at the mercy of anything like OPEC when it comes to coal in the United States. The U.S. Department of the Interior has estimated we have 250 years worth of coal reserves right here in the United States. The Senator has said repeatedly that the coal in this national monument can light all the lights in San Francisco for a long period of time. I suggest all the coal in the United States could light the lights of most of the western civilization for a pretty substantial period of time. We have a lot of coal. I am glad we do. I have three times more coal in my State of Illinois than the Senator from Utah believes he has in his State, at least by estimates from the Department of Energy.

The Interior Department bought back all of the Federal coal leases within the Grand Staircase at a cost to taxpayers of $20 million. There are no existing leaseholders, no coal development taking place in this national monument. So those who were there were compensated when they left.

Let me go back to what this amendment is all about and why I have offered it. The Bush administration said they are prepared to explore the possibility of drilling for oil and gas in national monuments. When visiting Washington, DC, and you hear the words ''national monument'' you think of the Washington Monument and the Lincoln Memorial. But national monuments under Federal lands are tracts of land set aside by Presidents over the history of this country to be preserved for future generations.

Beginning with Republican President Teddy Roosevelt, 14 of the 17 Presidents who served since 1906 have used the power to set aside land, saying this is special land and is part of our natural national heritage that should not be developed and should be protected. In all, these Presidents, Democrats and Republicans alike, have established 122 national monuments. After the Presidents did that, Congress came in and agreed with the President in at least 30 different instances, saying these national monuments should be national parks, the next stage of the process.

We are talking about the California Coastal National Monument, the Giant Sequoia National Monument in California, Craters of the Moon National Monument in Idaho, Vermilion Cliffs National Monument in Arizona. The Grand Canyon was once a national monument that became a national park. Those who support my amendment believe we ought to take this special real estate in America and treat it in a special way. We ought to say that for a small percentage of the land that we call America, that God has given us, we are going to protect it from economic exploitation.

But not President Bush. President Bush and his administration says no; we are prepared to drill for oil and gas and mine coal in these lands.

You cannot protect the special character of these lands and use them economically. You cannot hope to say to your children, grandchildren, and their children and grandchildren, that they will be able to see something spectacular and special, untouched by man, if you allow this kind of economic exploration.

This is a photograph taken of one of these national monuments. It is a beautiful piece of land. I am sure we are all proud it has been set aside so future generations can come to see it, visit it, and know it is to be protected. Mr. President, 95 percent of all the Federal lands we own in America—and we own millions of acres—can be drilled for oil and gas, and mined for coal. We believe that is appropriate because we are not going to sacrifice something that is really special. My amendment says that for 5 percent, 1 acre out of 20, special rules will apply: No drilling for oil and gas, no mining of coal.

I hope those who have followed this debate will understand that existing leaseholders on these lands will not be disadvantaged. In fact, all we are saying is that this heritage, to be left to future generations, should be protected.

At the end of consideration of this amendment, there will be some people watching the final vote very carefully. They will be people who work for the big oil companies and the gas drilling companies, some coal mining companies out west, who really think if they can get their hands on this land there is money to be made.

There will be others watching, too: People across America who understand a special responsibility which elected officials have today in the Senate and in the House of Representatives and, yes, in the White House as well, to preserve this national heritage.

I encourage all my colleagues to join me in voting for this amendment. It had a strong bipartisan vote in the House of Representatives: Democrats and Republicans and an Independent alike, believing it was important we speak with one voice when it comes to something as basic as this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that beginning at 4 p.m. second-degree amendments be relevant to the first-degree amendments under the previous order already entered.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I listened with great attention to the debate concerning the amendment that is before us. I would like to specifically identify the amendment in some detail because I think Members should have an understanding of just what the intention of the Senator from Illinois is.

In the amendment, the specific purpose is to prohibit the use of funds for the conduct of preleasing, leasing, and related activities within national monuments established under the act of June 8, 1906.

It is further appropriate to reflect on the concluding sentence of the amendment, which states:

> . . . a national monument established under the Act of June 8, 1906 (16 U.S.C. 431 et seq.), except to the extent that such a preleasing, leasing, or other related activity is allowed under the Presidential proclamation establishing the monument.

So one has to question just what the purpose of the amendment is. It says, on one hand, no funds will be allowed for preleasing within national monuments, and then it concludes by saying: ''except to the extent that such preleasing, leasing, or other related activity is allowed under the Presidential proclamation establishing the monument.''

What we have here, in the establishment of a monument, in the normal course of events, is a Presidential proclamation. And in that proclamation it is specifically addressed as to what can occur within the monument.

I really question the necessity of the amendment. I question the applicability of the amendment. I question the application of the amendment. I question the purpose and objective of the amendment.

I am not one of the managers of the bill, but one of the more expeditious alternatives would be to accept the amendment because the amendment does not do a thing. It implies that you are not going to have any funds for preleasing and related activities—and I assume we mean oil and gas or mineral exploration in national monuments—but then it goes on and says: ''except to the extent that such preleasing . . . or other related activity is allowed under the [authority of the President],'' which basically states the authorization for the proclamation establishing the monument. Hopefully, that is clear.

I assume there are some out there who would say, we do not want oil and gas or mineral exploration occurring in national monuments. We have heard from Senators who have had some experience with national monuments, the creation of these monuments under the Antiquities Act. Certainly one of the more recent States is the State of Utah and the case of the Grand Staircase-Escalante episode where a monument was created with very significant acreage. It took off the development scenario of some coal leases that the State of Utah was going to use to fund their educational system. I think, unfortunately, the application of the Antiquities Act in that particular case was inappropriate.

Our previous President took that action. He did it without the knowledge of the Governor of Utah, and without the knowledge of the congressional delegation of Utah. Furthermore, he did not have the compassion to even make the announcement in the State of Utah. I believe it was made in Arizona.

So the application of the Antiquities Act, traditionally, on national monuments is well established. But the criteria of what can be done in those national monuments are ordinarily left up to the Presidential proclamation establishing the monument, which certainly is the case in the amendment pending before this body. I hope Senators, upon reflection, will recognize that this particular amendment really accomplishes no purpose.

One of the things that concerns me, however, is the implication and the lack of understanding of terminology associated with the designation of public land.

We have all seen the concern expressed on the floor—both in the House and in the Senate—as to the issue of developing resources offshore or within our States or within specific designated areas. But I would like to share with you a chart that shows the designated areas that have been taken off limits in recent years by State and Federal action. It is kind of interesting to note the entire east coast—from Maine to Florida—has been removed from any OCS (Outer Continental Shelf) activity. And the merits of those action speak for themselves. These States simply do not want any activity off their shore.

We saw an agreement on lease sale 181 in Florida the other day where a significant portion of the lease was removed. Yet the inconsistency is, Florida wants very much to receive a portion of the energy that would come from exploration offshore in the gulf. It is kind of hard to have it both ways, but some would like that.

The chart also shows the Pacific coast—the entire area from Washington State to California—is off limits. In other words: NIMBY, Not In My Backyard. We have in the overthrust belt the States of Wyoming, Colorado, Utah, and Montana. These are States that have oil and gas development and production. As a consequence of the roadless area promulgated by the previous administration, we have seen a significant area of prospect for oil and gas, particularly natural gas, taken off limits. There were estimated to be about 22 to 23 trillion cubic feet of natural gas in this overthrust area. We have taken it off limits. That means basically no resource development.

There you have it. With the exception of the gulf area—Texas, Mississippi, Louisiana, and Alabama, that support OCS leasing—we find ourselves in a position where we have an energy crisis. We find ourselves in a position where we are becoming more and more dependent on sources overseas coming into the United States.

We debate the merits of the inconsistency in our foreign policy where we find ourselves dependent on 750,000 barrels of oil a day from Iraq, from our old friend Saddam Hussein, where we fought a war in 1991 and 1992. We lost 148 U.S. lives in that war. And now we are importing oil from that country. We buy Iraq's oil, put it in our airplanes, and then go bomb him while enforcing a no-fly zone, basically a blockade in the air. We risk U.S. lives in doing that. We have flown over 230,000 individual sorties over Iraq.

So here we are putting our own area off limits, going overseas, not really caring where our oil comes from. Whether it comes from a scorched-earth refinery or a scorched-earth oil field in OPEC, we find ourselves subject to the cartel of OPEC. Cartels are illegal in the United States. We would not even pass the test associated with that type of business in this country because we have antitrust laws, but we are, in effect, supporting the viability of the OPEC cartel by becoming more and more dependent.

I am sure the Presiding Officer remembers, back in 1973, we had gas lines going around the block in this country. We had the Arab oil embargo at the Yom Kippur war. We had the public indignant, outraged because there were gas lines around the block. We were 37-percent dependent on imported oil at that time. Today, we are 57-percent dependent. The Department of Energy says the way we are going, we are going to be 63- or 64-percent dependent by the year 2007 or 2008. Where is it going to come from?

People generalize, very conveniently, that we have alternatives: We have renewables; we have solar power; we have wind power; we have new technology. If you really think about it, most of these sources are for stationary power generation. But they do not move America. They do not move the world.

Mr. President you, and I, and others, do not fly in and out of Washington, DC, on hot air. Somebody has to produce the oil, refine it, and put the kerosene in the jet. Only then do you take off. Whether it is your planes or your trains or your automobiles or your boats, America and the world are dependent on oil. And we are becoming more and more dependent on one source, and that is OPEC.

We are sacrificing our national security interests; there is no question about it. To give a recent example, just a few weeks ago, Saddam Hussein didn't get his way with the U.N. So he cut his oil production. He pulled 2½ million barrels of oil a day off the world market. We thought OPEC would

make up that difference. They took one look at it and said: No, we are going to hold off. So we were short that month. This previous month, about 60 million barrels were held off the world market. It kept the price up.

Look at what happened in this last year with OPEC in developing their internal discipline. They developed a floor and a ceiling on oil: $22 was the floor; $28 was the ceiling. It has gone over that. They have a discipline. We are becoming more and more dependent on that source, and we are becoming more and more exposed from the standpoint of our national security.

Where is it going? We are debating an amendment that doesn't do a thing to address supply. We should be debating an energy bill at this time in a timely manner to address the crisis ahead. As we saw out in California, it can happen very fast. When we look at the concern the American people are exposed to over the coming blackouts, how does that affect the security of the American taxpayer? Maybe there are some children at home and there is a blackout. There is a lack of power. What does that do to increase crime? These are exposures that real people have and real concerns that can be alleviated if we take up an energy policy in a prompt and efficient manner.

As we look at this chart, there is no exploration everyplace: No exploration in the Great Lakes, no exploration on the west coast, no exploration on the east coast, no exploration in the eastern Gulf of Mexico, and eventually no exploration in the 40 percent of the land in the Western U.S. owned by the Federal Government.

I am not here to promote the amendment of my friend from Illinois in the sense of oil and gas activities in the national monuments, because the Presidential proclamation will make a determination of that. What I am concerned about is where this energy is going to come from.

We have all heard the issue associated with the Arctic National Wildlife Refuge or ANWR. I want to communicate to my colleagues the difference associated with some of the nomenclature that flows around here.

We are dealing currently with an amendment that would prohibit the use of funds in the conduct of preleasing within national monuments. Does the public know what a national monument is? I think they have a perception. Maybe it is a park. Maybe it is kind of a wilderness. Maybe it is kind of a refuge.

The reality is, a national monument can be just about anything that it is designated to be in the Presidential proclamation. You can have oil and gas activity, if it is permitted. Mostly it is not. National monuments are created by the Antiquities Act. The Antiquities Act can preclude oil and gas or mineral leasing. These are all alternatives that are determined at the time that the national monument is established.

That is why the application of this amendment has no meaning because, again, it says: No money for preleasing within national monuments except to the extent that such preleasing or other related activity is allowed under Presidential proclamation establishing the monument.

There we have it. Let me just take my colleagues for a little walk into the wildlife refuges. What is a refuge? What does that mean? It might mean in the minds of some, a place for wildlife, but we have oil production in many refuges. We have mineral production in many refuges. We have gas production in many refuges. We have coal production. We have salt water conversion. We have many activities in this particular nomenclature of refuges.

Here are the States. We have 17 refuges in Louisiana, Texas, Alabama, Mississippi, four in California, Montana, Michigan, my State of Alaska. These are activities that are authorized under the terminology of refuges.

This chart shows where these refuges are. It is important that the public understands the difference between national monument designation under proclamation by the President and what is allowed in them by the proclamation and refuges. In Alabama, there is the Choctaw National Wildlife Refuge. Oil production in national refuges and wetlands management districts is a concept that has long been fostered by the Congress. It is specifically the balanced use of Federal funds and the reality that it is accepted and is commonplace.

This is oil and gas activity in 30 refuges, and there are 118 refuges from coast to coast where we are safely exploring for oil and gas. We have over 400 wells in Louisiana refuges alone. And we have them in Alabama, Arkansas, Kansas, Louisiana, Texas, Alaska—the Kenai National Wildlife Refuge—North Dakota, Mississippi, Michigan, and Montana.

I am not going to get into a presentation of the merits of ANWR. What makes it any different than any of the rest of these refuges? Certainly not from the establishment of the terminology ''refuge.'' ANWR is included as a refuge, therefore oil and gas activity is allowed, subject to the authority of the Congress. That is what that debate is all about.

But as we look at the reality associated with the energy crisis, we have to recognize we are going to have to look for relief. You are not going to get it from alternatives. You are not going to get it from renewables. In spite of the fact that I support the technology, I support the subsidy, I support continued taxpayer support of these, they still constitute less than 4 percent of the total energy mix. We have expended about $6 billion in the last 10 years. It has been money well spent, but it is not going to replace our dependence on conventional sources of energy.

How did we get into this thing? Why are things different now? I could talk about oil and gas, but if we look at foreign oil dependence—now at 56 percent, up to 66 percent by the year 2010—the national security interest of this country is in jeopardy. What are we going to use as leverage?

In 1973, we created the Strategic Petroleum Reserve. Some people say that can be our relief. Do you know what we found out when the previous administration took 30 million barrels out of the Strategic Petroleum Reserve? We found out we didn't have the refining capacity to refine it into the heating oil that was needed to meet the crisis at that time in the Northeast Corridor. We were genuinely concerned.

When we took that oil, we simply found we had to offset what we would ordinarily import. We didn't have the refining capacity. I think we achieved, out of that 30 million barrels, somewhere in the area of a 1-day supply of heating oil for the Northeast Corridor. It just won't work. If you don't have the refining capacity, you can have all the oil in the ground you want, it isn't going to do the job. You are not going to be able to increase, if the need is there, any more than the extent of the capacity of your refineries.

The reason things are different this time is we have natural gas prices that have soared. They have gone up as high as $10. They are down now, thank God, but we are still using our reserves faster than we are finding them. We haven't had a new nuclear plant licensed in this country in 10 years. We haven't had a new coal-fired plant of any consequence built in this country since 1995, and coal is our most abundant resource.

We have technology for clean coal. Nothing has been done in that area. Why? It isn't because the supply isn't adequate; it is because we haven't had the conviction to come to grips with the reality of the law of supply and demand. Even Congress can't resolve the law of supply and demand, unless we increase the supply or reduce the demand.

Demand has gone up and supply hasn't. That is why it is different this time. I indicated that there have been no new gasoline refineries in 10 years. So if we look at our increased dependence on foreign oil, increased price of natural gas, no nuclear plants—nuclear is 22 percent of our stationary energy—no new gasoline refineries, no new coal-fired plants, and to top it off, we find our capacity to transmit our natural gas and electricity is inadequate. Why? Because we have become more of an electronic society. We leave our computers on; we leave our air-conditioning on. We could, perhaps, buy a more fuel-efficient refrigerator and use half of the energy, but if the old one isn't worn out, you won't do it.

The point is that the ''perfect storm'' has come together in the sense of energy. We have an energy crisis. As a consequence of that crisis, I would have hoped that we would be debating how to address this energy situation as opposed to debating the merits of a national monument determination that

isn't going to result in any significant activity, other than some of the media might be misled that it is going to terminate any activity in areas of national monuments, which it will not. We have skyrocketing energy prices, gas shortages, and I guess I will conclude with a reference to, again, how important energy is, how we have a tendency to take it for granted.

You know, the American standard of living is based on one thing: affordable and adequate supplies of energy. That is why we prosper. If we don't keep up with the increased demand by increasing the supply by conservation, alternatives, renewables, we are going to jeopardize that standard of living. And with it goes our economic security, and with it goes our national security.

I think we all feel exposed to the potential of being held hostage by a foreign leader such as Saddam Hussein. We have our job security at risk—to keep Americans working and create more jobs. Energy certainly powers our workplace. It moves the economy—moves it forward and brings each of us along with it, giving us personal security and flexibility to live our lives as we choose. We saw in California what happens when stoplights don't work and when the elevators become jammed.

I think we have to focus in on what we must do for American families—the consumers—and address the reality that we do have a crisis. I am going to conclude with a reference to something that I think America sells itself short on in times such as this, and that is America's technology and ingenuity. We have the capability to meet the challenges associated with a responsible environmental sensitivity and the reality that we can do things better. But there is no magic to it. Somebody has to produce this energy. It has to come from some identifiable source. I am speaking primarily of what moves America, and right now that is oil. I wish we had another alternative, but for the foreseeable future, we simply do not.

As a consequence of that reality, we have before us an energy plan. I intend to work cooperatively with Senator BINGAMAN toward a chairman's mark. We have an outline given by the President and the Vice President and their energy task force report. So I guess everybody is waiting, if you will, on the process in the Senate. It is moving in the House. The House is moving on an energy bill. We should be moving on it here. I am very pleased to see that it is now in the Democratic leadership's recommendations of activities. We haven't gotten a schedule on it at this time, but I hope we will in the very near future.

So, again, to get back to the debate at hand with regard to the amendment, prohibiting preleasing-related activities within national monuments by disallowing any funding and, yet, recognizing in the amendment to the extent that such a preleasing or other related activities is allowed under the Presidential proclamation establishing the monument, would seem that the amendment is neutral to the issue of supply, neutral to the issue of whether or not there is any authority for oil or gas and mineral activity within any new national monuments that might be created in the future is certainly not applicable to those already in existence.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I believe all debate on this amendment is completed, and the yeas and nays have been ordered.

The PRESIDING OFFICER. That is correct, the yeas and nays have been ordered.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the vote on or in relation to the Durbin amendment occur at 4:10 p.m. today.

The PRESIDING OFFICER. Is there objection?

Mr. BURNS. Mr. President, I move to table the Durbin amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I ask the Senator to allow an amendment to his motion to table—that there be no second-degree amendments allowed to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Is there objection to the request to have the vote occur at 4:10 p.m.?

Mr. BURNS. I move that the Durbin amendment be tabled, and I ask for the yeas and nays, which vote will occur at the agreed time.

The PRESIDING OFFICER. First, the Senate needs to address the request raised by the Senator from Nevada of having the vote at 4:10 p.m. He propounded a unanimous consent request to have the vote at 4:10 p.m. Is there objection?

Mr. BYRD. Reserving the right to object, what is the request?

Mr. REID. Mr. President, I say to my friend, the manager of the bill, we will have a motion to table the amendment at 4:10 p.m. today, and prior to the vote there will be no second-degree amendments to the Durbin amendment.

Mr. BYRD. A vote on the motion to table would occur at 4:10 p.m. today.

Mr. BURNS. Yes.

The PRESIDING OFFICER. The Senator from Nevada asked unanimous consent the vote occur at 4:10 p.m. There has been no objection. The Senator from Montana has moved to table and asked for the yeas and nays at 4:10.

Mr. BURNS. And the vote occur at the agreed time at 4:10.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BYRD. What was the request, ''and then 4:15''?

Mr. BURNS. The meeting with the President and the group downtown was not in until 4:15. We are going to begin the vote at 4:10 and they will have time to vote; 4:15 had nothing to do with it. We agreed at 4:10 to table the Durbin amendment.

Mr. BYRD. I remove my reservation.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second on the motion to table.

The yeas and nays were ordered.

Mr. REID. I ask unanimous consent the Senator from New Jersey be allowed to speak for up to 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. TORRICELLI are located in today's RECORD under ''Morning Business.''

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the vote now scheduled for 4:10, on a motion to table, be rescheduled to 4:20. This has been cleared with the minority.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, in 10 minutes or so, the Senate will be voting on my pending amendment. I believe the Senator from Montana has been given authority to offer a motion

to table the amendment. But I want my colleagues who come to this Chamber to understand what the nature of this amendment is because it is very simple and straightforward.

My amendment will simply prohibit new mineral leases from being issued in designated national monuments. It does not affect any existing, valid right, or prevent leasing in any area that was authorized for mineral activity when the monument was established.

That description is pretty legal. Let me try to translate it so that those who have not followed this debate will understand what is at issue.

We have designated, in this country, various national monuments. These are tracts of land which Presidents of the United States, since Teddy Roosevelt, have set aside saying that they have special importance and value to the future of our country. These tracts of land have been set aside by all but three Presidents since President Roosevelt. President Nixon, President Reagan, and former President Bush did not establish national monuments. Virtually every other President—Democrat and Republican alike—made these designations. And, of course, this national monument land occasionally will mature into something which Congress decides is of great value.

When you look at former national monuments, they include the Grand Canyon—designated first as a national monument—Glacier Bay, Zion National Park, and Acadia National Park.

So though I use the term ''national monument,'' most Americans are familiar with the term ''national park.'' Although they are not the same legally, the fact is that many of our national parks began as national monuments.

We have taken great care when it comes to these national monuments to say that they are so special and important that we will be careful what we do with them once we have designated them as treasures for our Nation to protect.

The reason I have offered this amendment is that we have had a clear indication from the current administration and the White House—President George W. Bush and his Secretary of the Interior, Gale Norton—that they are now going to explore the options of drilling for oil and gas and mining minerals in this national monument space designated by the previous administration.

The House of Representatives, when they considered this, on a strong bipartisan rollcall, agreed with my amendment and said we should prohibit this administration and this White House from drilling for oil and gas in national monument tracts across America.

This land is too valuable to our Nation, it is too valuable to our national heritage, to say to any oil company or gas drilling company or mining company: Please come take a look at our national monuments as a possible place to drill and to make a profit.

Some will argue—and they have in this Chamber—that it is shortsighted for us to limit any drilling for oil and gas or the mining of minerals at a time when our Nation faces a national energy crisis or an energy challenge. I disagree. Of all of the Federal land owned in the United States by taxpayers, 95 percent of it is open to oil and gas drilling and mining. We have said, if you can find those resources on that public land, we believe it will not compromise the environment nor jeopardize an important national treasure to go ahead and drill. But for 5 percent—one acre out of 20—of Federal public lands which we have designated as special lands—monuments; some may someday be a national park—in those lands we do not want to have that kind of exploration and economic exploitation.

If some step back and say: You must be turning your back on a great amount of energy resources if the Durbin amendment is enacted and prohibits the oil and gas drilling on these national monument lands, in fact, that is not the case at all. The U.S. Geologic Service did a survey of these national monument lands to determine just how much oil and gas there would be available. After they had done their survey, they established that all of the monuments I have protected with this amendment all of them combined have economically recoverable oil as a portion of total U.S. consumption that amounts to 15 days, 12 hours, and 28 minutes of energy. When it comes to gas: 7 days, 2 hours, and 11 minutes in terms of our national energy consumption. It is a tiny, minuscule, small part of the energy picture.

I have listened to some of my colleagues from other States talk about our energy crisis. You would believe that the only way we could keep the price of a gallon of gasoline under control is to allow the oil companies to go in and drill on lands that have been set aside by administrations to be protected because of their important historic and natural value to the United States. That is not the case.

In fact, there are many things we can and should do to deal with our energy crisis. I do not believe we have reached a point where this energy crisis or challenge should be used as a battering ram to beat down that which we hold sacred in this country. I think it is pretty clear, on a bipartisan basis, that at least Senators in this Chamber do not want to see us drill for oil in the Arctic National Wildlife Refuge, as President Bush has proposed.

I think it is also clear when it comes to drilling off our coastal shores, there are many States, including the State of Florida—coincidentally, governed by a man with the same surname as the President—that don't want to see drilling offshore. They think it is too dangerous when it comes to spoiling the beaches and the recreational activity that are part of the States of Florida, California, and others.

This amendment says there is also an area of America we should take care not to exploit as well, and it is the national monument space.

The Senator from Montana has offered a motion to table my amendment. He opposes it. He has stated his position very effectively. But I would implore my colleagues on both sides to understand that this is a bipartisan amendment. It is an amendment which was supported by Democrats and Republicans in the House of Representatives because when it comes to conservation and the protection of our natural resources, why in the world should this be a partisan issue?

Teddy Roosevelt was a great Republican. Franklin Roosevelt was a great Democrat. All of these Presidents set aside land that was important for future generations.

I am certain that some Republican President—either now or in the future—will do the same. And I hope that Democratic Members of Congress will respect it. But if we are going to show respect for these national monuments, we have to understand that allowing for the drilling of oil and gas runs the risk of spoiling a national treasure.

I have asked my colleagues to also consider the fact that the Bureau of Land Management has told us that 95 percent of the Federal land is already open for this kind of exploration to find these sources of energy. We are not closing that down.

This amendment makes it very clear that if there is a national monument designated somewhere where they have established that oil and gas drilling will not jeopardize it, that will continue. If it is an existing lease, this amendment does not affect it. The only impact it will have is on the national monument space designated by the previous administration.

One of my colleagues from the State of Utah came to this Chamber and was clearly disappointed, to say the least, by the designation of a national monument in his State. The fact is, the national monument is there. We are saying, with this amendment: Keep the oil companies, keep the gas companies, keep the mining companies off of that national monument land.

In 1906, Teddy Roosevelt established Devils Tower in Wyoming as our first national monument. I take great pride in hoping that the Senate will carry on in his tradition of standing up to special interest groups which, frankly, want to make a profit; they want to come in and drill on Federal public land, land owned by all of us as taxpayers to make a profit. They are in business to make a profit. But I invite them to make that profit in other places, not on these lands that have a special import and a special significance for all of Americans living today and for future generations.

This administration has been challenged for the last 6 months on environmental issues. They have not been as sensitive as they should have. The

American people have said, overwhelmingly, they want an administration in the White House that understands that though energy is important, we cannot compromise important values in this country such as environmental protection and protecting our national monument lands.

I hope this Senate, on a strong bipartisan vote, will reject the motion to table offered by the Senator from Montana and will enact the Durbin amendment which protects these lands and says to the Bush White House: Help us find other sources of energy, other sources of energy that do not compromise important and pristine areas in this country.

There are things we can and should do as a nation to deal with energy: Sustainable, renewable, clean energy; finding ways to conserve; having Congress accept its responsibility when it comes to fuel efficiency in the vehicles that we drive.

These are the things that are going to help us be a better nation in the 21st century. To stick with the philosophy and notion of the 19th and 20th centuries, to drill and burn our way into the future is so shortsighted. To think we would even consider going to lands such as national monument land that has such special value to every American citizen would be a serious mistake.

I urge all of my colleagues to vote against the motion to table and, once it has been defeated, to support the passage of the Durbin amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I ask unanimous consent that I may summarize my argument.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, Mr. President.

Mr. BURNS. I will be very short.

Mr. DURBIN. I have no objection.

Mr. BURNS. The figures the Senator cited are from a USGS survey taken in 1995. Those figures have changed and moved up. No. 2, if he doesn't want people to drill there, where can they drill? How many people in this body or in this town drove an automobile or rode something here that required energy? How many? Do we close off the whole Nation because somebody is making a profit? Do we take the same mindset into agriculture, into production agriculture, as they have in Klamath Falls where 1,500 farmers cannot irrigate because of a suckerfish? It is a mindset.

I move to table this amendment for the simple reason that it will impact the country. You say only 5 percent or 2 percent or 1 percent. I say to the Senator: $5 is not very much to some of us. But it is when you don't have it. We have that possibility with this kind of a mindset.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to table. The yeas and nays have been ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for not to exceed 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the order was that amendments should be filed by 4 p.m. today. I have in my hand a list of the amendments that were filed by 4 o'clock and the authors thereof.

I shall state them at this point: An amendment by Mr. CRAPO; Mr. DURBIN—that is the pending amendment—Mr. BYRD; Mr. KYL, three amendments; Mr. KERRY; Mr. MURKOWSKI; Mr. SESSIONS; Ms. COLLINS; Mr. HARKIN; Mr. ENZI; Mr. BREAUX; Mr. CORZINE; Mr. STEVENS; Mr. NELSON of Florida; Mr. NELSON of Florida; Mr. KERRY; Mr. NICKLES; Mr. ENZI; Mr. SESSIONS; Mr. SMITH of Oregon; Mr. ALLARD; Mr. DURBIN; Mrs. FEINSTEIN; Mrs. FEINSTEIN; Mr. MCCAIN; Mrs. BOXER; Ms. CANTWELL; Ms. LANDRIEU has six amendments; Mr. BINGAMAN, four amendments; Mr. LEVIN; and Mr. CRAIG. The amendments are numbered from 878 to 918 inclusive.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 879. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. THOMAS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—42

Allen	Gramm	Miller
Bennett	Grassley	Murkowski
Bond	Hagel	Nelson (NE)
Breaux	Hatch	Nickles
Brownback	Helms	Roberts
Bunning	Hutchinson	Santorum
Burns	Hutchison	Sessions
Campbell	Inhofe	Shelby
Cochran	Kyl	Smith (NH)
Craig	Landrieu	Smith (OR)
Crapo	Lott	Stevens
Ensign	Lugar	Thompson
Enzi	McCain	Thurmond
Frist	McConnell	Voinovich

NAYS—57

Akaka	DeWine	Leahy
Allard	Dodd	Levin
Baucus	Domenici	Lieberman
Bayh	Dorgan	Lincoln
Biden	Durbin	Mikulski
Bingaman	Edwards	Murray
Boxer	Feingold	Nelson (FL)
Byrd	Feinstein	Reed
Cantwell	Fitzgerald	Reid
Carnahan	Graham	Rockefeller
Carper	Gregg	Sarbanes
Chafee	Harkin	Schumer
Cleland	Hollings	Snowe
Clinton	Inouye	Specter
Collins	Jeffords	Stabenow
Conrad	Johnson	Torricelli
Corzine	Kennedy	Warner
Daschle	Kerry	Wellstone
Dayton	Kohl	Wyden

NOT VOTING—1

Thomas

The motion was rejected.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment.

Mr. NICKLES. I ask unanimous consent to vitiate the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 879) was agreed to.

Mr. DASCHLE. I move to reconsider that vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. Mr. President, we have been working with the distinguished managers of the bill. I would like to propound a unanimous consent request. I think it has the agreement of both sides. I have consulted with the managers of the bill.

I ask unanimous consent the Nelson amendment be the next order of business; that it be debated for a period of 3 hours, equally divided, and that the vote occur following the expiration of the 3 hours tonight.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I do not object. Would the distinguished majority leader make that verbiage ''not to exceed 3 hours''?

Mr. DASCHLE. Mr. President, I would so ask, that it not exceed 3 hours; that the time be equally divided, and that there be no second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Reserving the right to object, I ask the majority leader, I think there were two Nelson amendments, one was a 1-year and one is a permanent ban. Would you tell us which one this is?

Mr. REID. One is a year and one is 6 months.

Mr. NELSON of Florida. It is the 6-month ban identical to the House provision, amendment No. 893.

Mr. NICKLES. I shall not object.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 893

Mr. NELSON of Florida. Mr. President, I call up amendment No. 893.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 893.

Mr. NELSON of Florida. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds to execute a final lease agreement for oil and gas development in the area of the Gulf of Mexico known as ''Lease Sale 181'')

On page 194, between lines 9 and 10, insert the following:

SEC. 1 . LEASE SALE 181.

None of the funds made available by this Act shall be used to execute a final lease agreement for oil or gas development in the area of the Gulf of Mexico known as ''Lease Sale 181'', as identified in the Outer Continental Shelf 5-Year Oil and Gas Leasing Program, before April 1, 2002.

Mr. BYRD. Will the distinguished Senator yield for a unanimous consent request without losing his right to the floor?

Mr. NELSON of Florida. Of course, I yield.

Mr. BYRD. I ask unanimous consent the committee amendment be agreed to, that the bill as thus amended be considered original text for the purpose of further amendment, and that no points of order be waived by this request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The committee amendment was agreed to.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Florida.

The PRESIDING OFFICER (Ms. LANDRIEU). The Senator from Florida.

Mr. NELSON of Florida. Madam President, in offering this amendment, let me frame the amendment so everyone understands the context of the amendment. In the House of Representatives' discussion of the Interior appropriations bill some 3 or 4 weeks ago, a bipartisan amendment was offered by two Members of Congress from Florida.

The amendment that was attached by an overwhelming vote in the House of Representatives was with regard to a proposed lease sale, designated as 181, in the Gulf of Mexico, for the purpose of drilling for oil and gas. The House of Representatives, in a fairly substantial bipartisan vote passed a prohibition of the offering of the lease sale for 6 months. Specifically, this amendment tracks the House amendment identically, in essence saying no money appropriated under this act, the Interior appropriations bill, can be used for the purpose of offering for oil and gas drilling lease sale 181.

Lease sale 181 was originally proposed as a tract of some 6 million acres. It is in the eastern planning area of the gulf, an area that heretofore has not been violated with any drilling.

When the White House saw that there was considerable opposition, almost unanimous, from the Florida congressional delegation, the White House scaled back the proposal from approximately 6 million acres to some 1.5 million acres. It is in a location that starts to violate the eastern planning area of the gulf by some 1.5 million acres, in which drilling for oil and gas could occur.

Why am I opposed to that? I could say that clearly the people of Florida have expressed their opinion over and over and over again, in huge numbers, with huge majorities, whether that be in the expressions through previous bills in previous years, by both the Senate and the House delegations from Florida, or whether that has been in the body in which I last served as an elected, statewide cabinet official of the State of Florida, in resolutions by the Governor and the cabinet of Florida opposing offshore oil drilling off Florida.

Why is there such intensity in Florida about not having drilling in the eastern planning area of the gulf?

It is simply this: We have a $50 billion-a-year industry of tourism. A lot of that tourism is concentrated along the coast of Florida. The Good Lord has given us the beneficent sugary white, powdered sand beaches. The beauty of those beaches has attracted, over decades and decades—indeed, over the last century—people to come to Florida to enjoy our beautiful environment.

It is without question in most Floridians' minds that they see the possibility of oil spills from drilling off of Florida in the eastern gulf planning area, and it would, in fact, be a devastating economic blow—a spike right to the heart in our $50 billion-a-year tourism industry.

Floridians happen to have another reason for not wanting drilling. That is the fact that we are very sensitive about our environment. As a matter of fact, so much of our tourism is inextricably intertwined with preserving our environment and protecting it. The bottom line is that Floridians simply do not want waves of oil lapping onto the beaches.

I think we will hear testimony today by those who are on the opposite side of the issue who will say that drilling for oil and gas in the offshore Outer Continental Shelf has, in fact, became a lot safer. That well may be the case. But the fact is that according to the Minerals Management Service, the chance of an oil spill in lease sale 181 is all the way up to a 37-percent chance. Floridians simply do not want to take the risk of a 37-percent chance of an oil spill and that slick floating across the waters of the Gulf of Mexico and washing up onto the beaches of Florida where so much of our prized environment is displayed for the wonderful people who come to enjoy the natural bounty and beneficence of Florida.

I want to draw your attention to this map of the Gulf of Mexico. This map is very revealing with regard to the Florida story. I have talked to Senators in this Chamber who have had the White House tell them their side of the story. When they see this map, they say: I had no idea it was like that.

This map tells a completely different story. The story they are being told by the White House is that a compromise has been made that is acceptable, a compromise in which originally lease sale 181 included 6 million acres, part of which was this stovepipe that came up close to the Alabama shoreline, which was, in fact, within about 30 miles of Perdido Key, which is our western most beach in the State of Florida.

What they are being told by the White House is that the compromise of shrinking lease sale 181 is acceptable because it narrows it down, as represented here by the yellow, to a tract of 1.5 million acres instead of 6 million. They point out that it is 100 miles from Pensacola Beach, and that it is some 280 miles from Clearwater and St. Petersburg. Whereas, the original lease sale 181 was 213 miles from the west coast of Florida, and still 100 miles from here up at the top of the stovepipe. Of course, it was much closer.

But what they are not telling is the full story, and that is what I wanted to show with this map.

The green color indicates the existing drilling leases in the Gulf of Mexico. Beyond this boundary is the eastern planning area in which there is no drilling for the simple reason that Floridians have insisted each year that the threat is too great and the risk is too great to despoil our beaches and our environment.

As well as that, the estimated future reserves were expected to be very little. In all of the Outer Continental Shelf, which includes not only the Atlantic seaboard, all of the gulf, as well as the Outer Continental Shelf off of the west coast of the United States, California, Oregon, and Washington, 80 percent of the future gas reserves are estimated to be in the area that is already being drilled in the Gulf of Mexico—not in the eastern gulf planning area. And 60 percent of the future oil reserves are estimated to be in that area that is already being drilled known as the western gulf planning area and the central planning area—not in the eastern planning area.

We come to the table quite naturally to make our case to the Senate, having had the case overwhelmingly made to the House already that if the future reserves are mostly off the States of Texas, Louisiana, Mississippi, and Alabama, the area already being drilled, and the future reserves are not here, why take the risk of an oil spill that would despoil some of the world's most beautiful beaches that support the economy of Florida. To repeat myself, the Minerals Management Service says the chance of a spill in lease sale 181 is up to 37 percent. That is a risk simply not worth taking.

I think this map tells the whole story. This area has not been violated—an area called the eastern planning area. Now in the attempt at a so-

called compromise, the White House is pushing 1.5 million acres that now go eastward into this area that has not been violated in the past.

As you can see, with all of this drilling activity, that yellow spot right there on this map of the gulf is what I call the proverbial camel's nose under the tent. You can see that dirty little nose sticking underneath the edge of that tent.

What is going to happen in the future? That camel is going to start crawling into that tent, and that drilling is going to proceed in an inevitable march eastward straight for Tampa Bay. The people of Florida think that is too much of a risk.

We could talk about energy and a lot of the things that we ought to be doing that are not the subject of this particular amendment, but I am compelled to bring up the fact that, goodness gracious, if we but improve the miles per gallon for new automobiles manufactured—and there is another very controversial lease sale, the Arctic National Wildlife Refuge—by 3 miles per gallon on all new vehicles—not the existing vehicles, new vehicles—it would save the equivalent amount of energy that would be produced by all of the oil to be drilled in the Arctic National Wildlife Refuge.

So as we approach an energy crisis—and I am looking forward to having a debate when the Department of Energy authorization bill comes to this Chamber—what Senator GRAHAM of Florida and I will probably be offering at that point is a complete moratorium. But for purposes of this Interior appropriations bill, I am offering an amendment that is identical to what was adopted in the House so that if adopted here this will not be an issue in the conference committee but, rather, would be accepted in the conference committee and would become a 6-month moratorium on the offering of this lease sale.

So perhaps what we ought to do is to rethink the White House's energy policy of drill, drill, drill. Drill in the areas where the future reserves are already proven. Drill in the areas where the States do not object to the drilling off their shore. Drill in the area where a State such as Louisiana really does not have the God-given beaches, the white sand beaches that we have in Florida that are so much a part of our economy.

Save energy by conservation. Use our technological prowess to produce an automobile that will have a much higher miles-per-gallon average.

I had the pleasure of riding in one of these hybrids. I could not believe it. It was just as comfortable. The car was just as roomy. The car had just as much pickup. In the hot summer Florida Sun, the air-conditioning worked just as well as any other car. All of the electrical demands of radio and CDs and tape players were all there, with no sacrifice.

As we drove down the road, I, as the passenger, could not help but have my eyes riveted to the TV screen in the middle of the console that showed how the engine would be running partly from the gasoline and partly from the battery, and when it was not running from the battery, that the battery, in fact, was recharging—a vehicle known as a hybrid. And I was astounded for my host, the driver, the owner of the vehicle, to tell me that, in fact, this hybrid got a total, in city driving, of 53 miles per gallon.

Can you imagine, if we used our technological prowess to get serious about our automobile and transportation fleets, how much energy we could save. Regardless of what we do here, I think that makes just good, sound national energy policy and that we ought to pursue using our technology to improve our miles per gallon.

But I bring that point up to say that we have an old country expression in Florida: There are many ways to skin a cat. And you don't just have to skin that cat by saying: We are going to drill, drill, drill; and we are going to do it to the risk of a $50 billion a year tourism economy in Florida. We know in this Nation what the spill of the *Exxon Valdez* tanker did to the shores of Alaska. We also know what the winds and the wave currents can do with an oil slick in carrying it hundreds of miles within days. And, ladies and gentlemen, Senators all, it is not fair and it is not worth the risk to Pensacola and Fort Walton Beach and Destin and Panama City and Mexico Beach, and all these fragile areas of the ecosystem around Apalachicola Bay, and the big bend of Florida, and down into Cedar Key and the mouth of the Suwannee River, and coming on down to the white sand beaches of Clearwater Beach and St. Petersburg, and then into the very fragile ecosystems of Tampa Bay, and on south from Manatee County and Bradenton, all the way south past Sarasota, down near Charlotte, and into Fort Myers—some of the most beautiful beaches in the world—and south of Fort Myers to Naples—one of the hottest spots for new people to come to Florida and enjoy the environment of Florida—just south of there to Marco Island—a place known as the ''Ten Thousand Islands''—one of the most productive fisheries in the world, and not to speak of coming on around into the Florida Straits into this beautiful land known as the Florida Keys—something that ballads have made famous by people such as Jimmy Buffett who would tell you the same thing that I am telling you today: It is not worth the risk to the Florida environment nor to our economy. That 37-percent risk of oil drilling off of Florida could produce an oilspill that would become a slick that could travel, by wind and wave action, miles within days to despoil these Florida beaches.

So I make a plea on behalf of 16 million Floridians that the Senate will debate this, understand it. Do not confuse it by saying that this line is not over the Alabama line. Where is the Alabama line? The Alabama-Florida line is up here as shown on this map. These are the waters of the Gulf of Mexico. And this line right here is the line of demarcation, the beginning of the eastern gulf planning area that has never been violated by drilling.

So do not listen to the arguments that this is not over the line. This is over the line, 1½ million acres over the line. That simply is not worth the risk to us.

There are others who have a similar set of circumstances. I want to remind the Senators, the Senators of the Great Lakes, they do not want drilling off their shores. The Senators of New England, especially off of Maine, and that great lobster industry, they do not want the drilling off of their shores. The Senators of the eastern seaboard, with all of their tourism and ecological activities, don't want the drilling there. The Senators off the west coast of the United States don't want the drilling there either.

The fact is, the drilling has not occurred here for years because the future reserves are simply not there.

I am expecting others and I expect to be joined by my senior Senator, Mr. GRAHAM. What I will do is reserve the remainder of my time.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BREAUX. Madam President, parliamentary inquiry: What is the time sequence and who is in control of the time?

The PRESIDING OFFICER. There are 3 hours evenly divided on this amendment, and the Senator from Florida has used 25 minutes. There is an hour and a half remaining on the opposing side.

Mr. BREAUX. I yield myself 10 minutes from the time in opposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

Mr. BREAUX. Madam President, the subject matter is energy. I just came from a meeting with the Vice President and a group of Senators, both Republicans and Democrats, who are trying to see what we can do as a Congress to come up with an energy policy that makes sense for this country.

It is very clear that the United States at this time is in dire circumstances with regard to where we get energy, how much we get, and how much it costs. Over the last several weeks and the last couple of months, we have seen the price of gas go up. We have seen people panicking because they cannot afford their electricity bills because of the high price of natural gas. We see the uncertainty of areas of this country suffering blackouts and businesses having to close and suffer economic damage because they don't have enough energy.

At the same time, we import 57 percent of the energy we consume every

day from foreign sources. Many of these foreign sources are undependable. They are not our allies, and they certainly do not have the best interests of the United States as the premise for their operations. Yet 57 percent of our energy comes from overseas. It comes from organized cartels that regularly do things for which, if done in this country, they would go to the penitentiary.

What they do every day is fix prices of energy that we have to buy from them. They tell us how much we are going to have to pay by controlling the amount they produce. Yet we as a nation, in the year 2001, have been comfortable with allowing that type of energy policy to govern how we exist when it comes to energy supplies.

If we imported 57 percent of the food we eat, people would be marching on the capital of this country saying that is an unacceptable condition because food obviously is important to our national security and the way we live in America. That is absolutely true. But it is no less true that when we import 57 percent of the energy, that is an unacceptable set of circumstances we must address.

How do we address it? Unfortunately, one of the ways that we have, over the years and over several administrations and over several Congresses, was to say what we were not going to do. We have said that we are not going to look for oil in the Outer Continental Shelf, which has some of the most promising resources of any place in the world off the coast of the United States; that we are not going to do anything from Canada to the Florida Keys because those areas are too valuable and should not be touched; and through congressional moratoriums and through Presidential moratoriums, basically everything from Key West to the border of Canada is off limits: Don't touch it.

In addition to that, when we look over to the west coast, which happens to have some of the States that consume by far the greatest amount of energy per capita, we have said, through moratoriums, both congressional and Presidential, that we are not going to do anything from Canada on the west coast all the way to Mexico on our southern border because those areas are pristine, they are nice, we should not have the potential for having an oil spill.

The only area of our Outer Continental Shelf in which we have had production, which produces the greatest amount of natural gas, the greatest amount of oil and gas, and has done so for the last 60 years, of the offshore areas is the Gulf of Mexico.

We have said we are not going to touch ANWR. We are not going to touch the Arctic National Wildlife Refuge. We will not touch the monuments. We will not touch the east coast. We are not going to touch the west coast. But go drill for oil and gas in the Gulf of Mexico.

I represent Louisiana. I am happy with that policy because it provides jobs. It provides energy. We make a contribution to solving the energy policy of this country. We understand it. We have developed the industry. We know its faults. We know what it can do and what it cannot do, and we have done it for 60 years. The technology that has been developed in the Gulf of Mexico is the technology that is used worldwide.

Less than 2 percent of the oil that is spilled in the oceans of the world comes from offshore exploration and production activities. Where does it come from? It comes from seepage, which is natural. It comes from ballast discharges from ships. And it comes from rusty, leaky tankers that import oil from all over the world.

The Senator from Florida mentioned the *Exxon Valdez*. That was not a drilling accident, that was a ship accident. That was a tanker delivering oil, as they do every day to the ports of the United States, where we import 57 percent of the oil that we use, coming to this country in tankers that have a far greater risk than any risk that possibly could occur from drilling activities in the offshore waters of the United States.

The State of Florida, under a Democratic Governor, Lawton Chiles, our good friend and our former colleague with whom I served in the Senate, and a Democratic President of the United States—at that time, President Clinton—reached an agreement on lease sale 181. It was proposed under a Democratic administration, and it was agreed to by a Democratic Governor. The original sale has the potential to supply Florida with as much as 7 years of the natural gas they use every day to cool their homes in the summer and to possibly heat their homes if it gets cold enough in the winter months. That sale can provide 7 years of their natural gas supplies.

They import 99 percent of the natural gas they use. Yet now they say: We are going to object to a sale that has been worked out, carefully crafted, proposed by a Democratic administration, approved by a previous Democratic Governor, because it has the potential to damage their coastline.

We have done that in Louisiana for 60 years. While the beaches of Florida may be prettier than the beaches of Louisiana, I argue that the value of the coastal estuarial area is no less valuable in Louisiana and Texas and Alabama and Mississippi than it is on the coast of Florida. In fact, I argue that the coastal estuaries of Louisiana are far more important in the sense that they are the habitat for waterfowl, for ducks, and for geese, and for finfish, and for shrimp, and for oysters, and for fur-bearing animals, alligators, everything that is important to an ecosystem.

We have been able to preserve those areas and to do so while producing the largest amount of oil and gas for our neighbors in the other 49 States in the history of this country. We have done so successfully. We have done so in a balanced fashion, and we have done so with a minimum impact. Is it perfect? Of course not, but nothing is perfect.

It is fine to drive around in battery-operated cars. I am all for that. It is great to have windmills, and it is great to have geothermal power. What is not great is to import 57 percent of our energy from foreign sources which are undependable and unacceptable. What if we start blocking the Gulf of Mexico? Are we going to fight to open up California? Are we going to fight to open up George's Banks? That is not going to happen.

I daresay we make a very serious mistake to say: Oh, let them do it over there, but not in my backyard. We will consume; we want it cheap; we want a plentiful supply; but, by golly, don't do it in my backyard. Do it somewhere else. We are too good to have oil and gas production off our coast because our beaches are clean.

Well, my beaches and coastline are also very valuable, but we also show that it can be done in a compatible fashion to produce energy needs for this country and at the same time preserve and protect the environment and wetlands.

The Democratic bill offered by the chairman, Senator BINGAMAN, calls for going forward with lease sale 181. A Democratic President proposed lease sale 181, and a previous Democratic Governor of the State of Florida approved lease sale 181. I don't know what has happened, and I don't understand the politics of it, but something has changed. The administration, in an effort to say, all right, we are going to do something—I think what they did was terrible. They took sale 181 and cut it by 75 percent. They said we are going to cut out 75 percent of the size of this lease sale and only allow 25 percent. I think that was a terrible decision. I told them that.

For them to now say Congress has to come in and postpone all of that—even the 25 percent remaining—is absolutely, in my opinion, unacceptable. If we are going to have an energy policy in this country that makes sense, we are going to have to have a balanced policy. I suggest that saying ''not in my backyard, never, ever, don't want to see it, let's get it from somebody else'' is unacceptable, not prudent, and is bad public policy. I think it is something that should not be adopted. At the appropriate time, I am sure we will have a vote on this. I hope colleagues will join with me in saying that at least in the Gulf of Mexico—if we can have it nowhere else—we will be willing to have a reasonable exploration program in an area where we have already done it for the past 60 years.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. NICKLES. I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Madam President, I yield myself 10 minutes in opposition to the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 10 minutes.

Mr. NICKLES. Madam President, I listened to my colleague and friend from Florida on his amendment that would basically block any production in a large area of waters, not only off the coast of Florida, but also off Alabama, Mississippi, and Louisiana.

I have great respect for State sovereignty and for listening to Senators who are dealing with areas surrounding their States. When they talk about the Everglades, I want to listen. I want them to listen to me when I talk about Oklahoma. I have a tendency to give great deference to Senators from their home States. I think the Senators from Alaska know Alaska much better than we do, and we should listen when they have recommendations to make about their lands, the development of it, and the balance of policies.

I also think we should listen to Governors. I know this lease sale 181 was somewhat controversial. I was kind of disappointed. I know originally Governor Bush of Florida was opposed to it. He is not opposed to the modification. The amendment of the Senator from Florida would stop any lease in this entire area. This lease, as modified, has been reduced by 75 percent. The lease that we now have, which the administration has negotiated with the Governors of Florida, Alabama, Mississippi, and Louisiana, has been agreed to by all of the Governors, including the Governor of Florida.

So I am thinking, wait a minute, I want to listen to the Senator from Florida and give him some deference, but this is not just off the coast of Florida. This is not even close to the coast of Florida. This is 285 miles from Tampa—285 miles. If someone visits the coast of California, they will see a lot of rigs that are in State-controlled waters. That is within 3 miles of the coast of California, which also prides itself on beautiful beaches and shoreline. They don't want those desecrated in any way. Neither do I. I happen to be a fan of the beaches, and I want to keep them as pristine as possible. But I want to use common sense, too—285 miles from Tampa, 138 miles from Panama City, 100 miles from Pensacola.

I heard my colleague say, ''This is in Florida waters.'' It is not in Florida waters. This actually goes down the borderline, and it is on the Alabama side. The negotiated deal—and maybe this was to get the Governor of Florida to support this deal, but all of the lands directly south of Florida were taken out of the lease.

I agree with my colleague from Louisiana; I think the administration gave up too much in the negotiation. They took a lot of potential area—area that is well beyond the boundaries—and said we are not going to ever look at those lands. I heard my colleague from Florida say that there is not much there. Well, we don't know because there hasn't been any exploration. There is not simultaneous desecration of the beaches because somebody happens to do some exploring to find out whether there is any potential for gas.

I am bothered by the fact that maybe there are people saying, yes, we know this is an energy problem, but don't touch it in my backyard. I understand that. But this is not somebody's backyard when it is 285 miles away or it is 100 miles from the closest point to someone's State. That is not in their backyard; that is a long way away.

As a matter of fact, we have formulas that share royalties and lands that are offshore areas that are close to lands and get a higher royalty. This is not close; this is in Federal waters a long way from the State of Florida. The very fact that the Governors of Alabama, Mississippi, Louisiana, and Florida support this modified sale tells me it is a reasonable compromise and one that should not be vitiated or postponed indefinitely.

I know one amendment says to postpone it permanently and another says for a certain period of time. It basically says: We don't want to drill or explore or have oil and gas, but, incidentally, we would like to have a pipeline to run from Mobile, AL, down to southern Florida because we are going to need gas.

As a matter of fact, the State of Florida is the third largest consumer of petroleum products in the country. Yet they are saying don't drill or touch or explore anywhere hundreds of miles from our coast. I find that to be inconsistent. Are we going to say you don't get to use natural gas or oil? Don't they use oil and gas? Yes, they are the third largest consumer of petroleum products in the country. It is a growing State and a beautiful State. There is nothing inconsistent with having some exploration off the gulf coast.

If you listen to my colleagues from Louisiana, Mississippi, and Alabama, there is a lot of drilling off the coast of Louisiana. If you look at the map in the Venice area, and so on, there is a lot of activity in those areas. They have been able to do it in ways that preserve the beautiful environment of southern Louisiana and Mississippi. Southern Mississippi and southern Alabama also have a coast, and they have casinos, and they have a lot of tourism in those areas. They are concerned about them. It can be done in an environmentally safe and compatible manner and in a way that provides energy resources that are needed to keep the lights on, to keep the jobs going, to keep the economy growing, to keep the tourists renting cars and visiting the beaches and enjoying the Florida coast.

To say we want to have a moratorium on any exploration this far removed—285 miles from Tampa or 100 miles from the coastal point in Florida—I think goes way too far. At some point, somebody is going to have to say, wait a minute; use a little common sense.

I do not think, with all due respect, this amendment should be adopted. I understand the intention. I do not question the motivation of my colleagues from Florida for offering the amendment, but when the Florida Governor supports this modified lease, when the other Governors who are logistically much closer to this potential lease support it, I say let this go forward; let's not block it; let's not block it indefinitely; let's not make this dependency on unreliable sources even greater.

That is exactly what we are doing. Some people are asking the question: How did we get into this energy crisis? Why are we importing 56, 57 percent of our gas needs? And that number will increase as the years go by, especially if we adopt these kinds of amendments.

If my colleagues want to increase our dependence on unreliable sources, such as in the Middle East, on Saddam Hussein, on people who have political agendas directly contrary to ours, then support this amendment. It is very shortsighted for energy policy; it is very shortsighted for the well-being and future national security of our country; and it is very shortsighted for the people of Florida who need energy, who happen to live in one of the growing, thriving economies in our country which needs energy—oil and gas.

This amendment is a serious mistake, and I urge my colleagues to support us. When we make a motion to table the amendment, I urge our colleagues to support that motion.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Louisiana.

Mr. BREAUX. Madam President, I am not sure who controls the time in opposition. I yield whatever time the Senator needs. Ten minutes?

Mr. MURKOWSKI. I am looking for the brilliant staff to plead my case.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana.

Mr. BREAUX. I will take 5 minutes off the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. Madam President, so that people who may be watching on their monitors in their offices can understand a couple things about lease sale 181, this lease sale did not happen overnight. As I indicated before, when President Clinton was serving in office

and negotiating with Governor Lawton Chiles —two Democrats—on this lease sale 181, President Clinton said: We are going to set off limits all the areas in the eastern gulf, but we are going to have lease sale 181.

In 1996 when they released the plan, the Governor of Florida, Lawton Chiles, expressed his appreciation for Minerals Management designating lease sale 181 to not be within 100 miles of the coast of Florida. It is 70 miles off the coast of Louisiana. It is much closer to Louisiana, but in no case is it within 100 miles of the coast of Florida. It is 285 miles from Tampa, 213 miles from their coast, 138 miles from Panama City. It is only 70 miles, as I indicated, from the coast of Louisiana.

In 1996 when we had a Democratic Governor and a Democratic President, they thought this compromise was fine and agreed to the compromise at that time and said this is something that fits into our plans for energy and thank you very much for making sure it does not come within 100 miles of the coast of Florida. That was their agreement.

It has proceeded forward under those terms until, because of opposition of the current Governor of Florida, the administration lopped off 75 percent of the sale in addition to that agreement in 1996. This amendment takes the remaining 25 percent and says we cannot have that either.

As the Senator from Oklahoma has indicated, when one is talking about a balanced energy policy in the country, this is something that is not acceptable.

The other point I will make is we have done exploration in the eastern Gulf of Mexico for decades. This is not a first movement into the eastern Gulf of Mexico. Drilling for natural gas and oil has occurred in the eastern Gulf of Mexico for more than three decades. For more than three decades we have had activities off the Destin Dome, which I happen to love, which is a beautiful part of the country. I spent many summers on the beautiful beaches in Destin.

They have not gotten anything. They have had extensive exploratory wells. Shell had in the past a bunch of dry holes right off Pensacola.

We have been drilling in the eastern gulf for three decades. I suggest it has been done without any problems, without any spills or anything of that nature.

We have a compromise based on a compromise based on a compromise. Yet today we have an effort to say even those compromises are unacceptable.

If you have a State that imports 99 percent of the natural gas they consume, they, too, have an obligation to help contribute to the supply of something that is clearly the cheapest burning fuel in the world.

Unfortunately the area they knocked off, the top area, is the area that has the greatest potential for natural gas because the natural gas fields are flowing off the coast of Louisiana, moving in a northeast way. All the activity has been in that area. That is where the natural gas is. Unfortunately, it has already been removed. That is where most of the natural gas potential is.

As I indicated, the Minerals Management survey said if you have wholesale gas, that could supply as much as 14 years of the natural gas needs for the State of Florida. With the reduced area, the projection is, even lopping this off, it has enough potential natural gas alone to supply Florida with 7 years of their natural gas needs for cooling, operating their industries and businesses, and also for heating in the winter whenever it might be necessary on those rare days.

To say this compromise is still not acceptable is, in fact, unacceptable and the amendment should be tabled.

Mr. NICKLES. Will my colleague yield?

Mr. BREAUX. I will be happy to yield.

Mr. NICKLES. I know in the State of Louisiana and I know also in the State of Texas there is a lot of activity off the coast. I asked my staff to find out what percent of our domestic oil production and gas production right now comes from the Gulf of Mexico. They told me about 25 percent of our domestic oil and 30 percent of our gas is produced in those areas.

That is a big chunk of our domestic production: A fourth of the oil and almost a third of our gas. Has that production caused harm to the ecology, to the environment, to the coast of Louisiana, to the wildlife which is so abundant in the southern part of the State of Louisiana?

Mr. BREAUX. The Senator makes a very good point. I answer his question with two points. Some in Florida—and I understand their argument—say we have beautiful beaches; we do not want oil to be spilled around our beaches.

I do not want it to happen either. I argue the wetlands in Louisiana, which are about 25 percent of all the wetlands in North America, with the wildlife—the birds, the ducks, the geese, fish, shrimp, oysters, fur-bearing animals, alligators—all of that ecosystem which is probably the most complicated anywhere in the world has been able to thrive and do very well in supporting those wildlife features and at the same time support the largest amount of oil and gas production anywhere in the world.

In addition to that, the statistics say what the risk is. Advances in technology have made this operation the cleanest activity of finding energy anywhere in the world. For example, for the period between 1980 and 1999, a 20-year period, 7.4 billion barrels of oil have been produced in the Outer Continental Shelf with less than .001 percent spill. That is a 99.999 percent safety record for oil.

I dare any industry anywhere to come up with those safety numbers. That shows we can have that kind of activity which produces that amount of oil with that little oil spill.

If we had a lousy track record out here, the Senator would be correct in saying do not put it here because it is going to damage our coast. But if one looks at the last 60 years, one can see what has occurred is huge amounts of production and yet a very insignificant amount of spill into the waters of the ocean.

Mr. NICKLES. Will the Senator yield for one other comment?

Mr. BREAUX. Yes, I yield.

Mr. NICKLES. Isn't the risk of spillage even greater from shipping, tanker movements than it is from the production record in the Gulf of Mexico?

Mr. BREAUX. We have been doing this for a long time. I say to the Senator from Oklahoma, when I was in the House in the seventies—it seems like the Dark Ages now—we wrote the Outer Continental Shelf Lands Act. We had the National Academy of Sciences—and it has been updated. This is not the National Petroleum Institute; this is not the State of Louisiana, but the National Academy of Sciences said less than 2 percent of the oil that is spilled in the oceans of the world come from offshore drilling activity—less than 2 percent. Most of it comes from tanker discharges with rusty bucket tankers bringing in oil from foreign countries, as we have happening in this country, from natural seepage, from ballast discharges, and from other activities, allowing nonpoint source runoff into the Nation's waters, into rivers, and finding its way into our bodies of water. Less than 2 percent of oil that is spilled in the oceans of the world, the National Academy of Sciences says, comes from OCS activities.

I think that is an enviable record for anyone.

I yield whatever time the Senator from Alaska requires.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I would like to reflect on some realities associated with this project because I think there is a question as to what the risk is. What is the risk to the residents of Florida? What is the true understanding of what this risk is? What are we talking about developing? We are talking about developing, in this lease sale, a significant, known deposit of natural gas.

When you take natural gas out of the reserve and you take it ashore and condition it, basically you are taking out the impurities, the wet gas. You are taking the oil that happens to be mixed in it, you are taking it ashore, conditioning it, and then moving the clean gas, in theory, to Tampa where it would be utilized for the benefit of Floridians.

What is the risk associated with that conditioned gas? It is pretty minimal. If you had some kind of fracture of that pipeline, you are not talking about unconditioned gas, which includes oil and various components associated with hydrocarbons; you are

talking about pure, conditioned gas. It would bubble up and dissipate. You are not talking about moving crude oil or the risks associated with crude oil from a pipeline.

We have heard of the NIMBY theory: not in my backyard. I think that has been pretty well exercised. But one of the things that is frustrating—obviously, I do not have a constituency in Florida, but I am sensitive to the concerns of my friend from Florida relative to what is good for his State. But at what point do we have a reasonable definition of what is offshore of my State or the State of Louisiana or any other State? This is 285 miles, in one case, to this area which is now the alternative that has been agreed upon. According to my understanding, it has been agreed upon by basically all the parties concerned.

The Secretary of the Interior modified the boundaries of the lease sale in response to the concerns of the State of California, the Governor of California. The indication by this agreement is there will be absolutely no new leases off the coast of Florida. They have modified the sale to one-fourth of the original lease area. What constitutes a reasonable determination of what is offshore? We used to have the 3-mile limit. We have the 12-mile limit. We have the economic zone. Now we are 285 miles to 213 miles offshore and we are saying that is offshore. I think we have to be reasonable.

Therefore, the amendment proposed by my colleague from Florida that would cancel the authorization for even the compromise, I have to state in my own opinion, is rather unrealistic.

I want to show another chart because I think it reflects a reality that is occurring. That is the NIMBY theory: not in my backyard. We have taken the entire east coast off limits for oil and gas exploration. We have taken the entire west coast off limits for exploration. We have taken an area of the overthrust belt in Montana, Colorado, Wyoming, a number of States known to have significant deposits of natural gas. As I recall, it is about 23 trillion cubic feet of natural gas that was found in this area, known to exist, available for commercial recovery, and with the last administration banning road access into these areas we made these areas off limits. Where is the energy going to come from in this country?

If we look at realities associated with the status of the OCS leasing program as evidenced by the next chart, I think we can get a better understanding of just what is happening.

These are various provinces. These estimates show oil and gas potential reserves; whether you start in Washington-Oregon or northern California or central California or southern California, you note and identify reserve estimates of considerable merit. The only problem is the areas were withdrawn from leasing through January 30, 2012.

These were done, for the most part, without any public hearing process before congressional bodies. These were done at the request of individual Members, attaching riders to legislation moving on the floor. So they really have not been subject to any debate. Some have been included in previous Interior appropriations bills. If you look at the entire east coast, you will look at the North Atlantic area, the mid-Atlantic area, the South Atlantic area, all with considerable oil and gas potential from the standpoint of estimated reserves. They, too, are off limits—everything in the buff color.

If we go down to Florida the same thing is true in the eastern Gulf of Mexico; it is off limits. The remaining area, the blue area, is off the coast of Texas, Louisiana, Mississippi, and Alabama. The occupant of the chair is well versed, obviously, in the significance of what oil and gas development does in the State of Louisiana. But why should Louisiana alone, and to a degree Texas and Alabama and Mississippi, have to bear the brunt of the requirements of the rest of the Nation when they do not have to share in any of the impact?

The occupant of the chair was very active in CARA legislation last year, which was to suggest that, indeed, these States impacted deserve some consideration associated with the impact of activity off the shores of Louisiana, Texas, Alabama, and Mississippi—and justifiably so. That was not resolved to the satisfaction of those of us who supported it. That was, indeed, unfortunate. We are going to come back again. Because if you are looking to just a few States to support the rest of the Nation, those States that have to bear that impact are entitled to some consideration. That consideration was to come from the Federal account associated with oil and gas funding that came into the Treasury.

I think we have, if you will, an obligation to address the responsibility of those States that have to bear this burden and have not been given the courtesy, or the consideration of any sharing of funds that go into the general fund, a portion of which should certainly go to these States.

As we look at reality, again the red indicates existing leases; the buff color is the national marine sanctuaries; we have my State of Alaska here, an area off the Aleutian Islands in Bristol Bay that is also off limits, but we have 31,000 miles of coastline in the State of Alaska.

What has happened over an extended period of time is not much credit has been given to the capability of the industry to develop oil and gas safely in OCS areas. They have a remarkable safety record. It is not perfect by any means, but it is improving with advanced technology and will continue to improve because the consequences of an accident are so devastating. So the interest is certainly there as is American ingenuity, American know-how, and American capability, to ensure, if you will, that the risk is minimal.

Make no mistake about it. I think it is disingenuous, in a sense, to simply take for granted that most of the 50 States enjoy oil and gas, and they don't give a moment's consideration that it has to be produced from somewhere. Somebody has to discover it. Somebody has to produce it, refine it, and distribute it. We all take these things for granted.

When we recognize how significant it is that there are so few areas supporting the rest of the Nation, I think we have to recognize reality and where we go from here. If we want to import energy, that is fine. Then we are going to be beholding more and more to the merits of the OPEC cartel and others who have traditionally had a significant capability in producing energy. But the ramifications of that dependence speak for itself. If you look at our relationship with Iraq, on the one hand we are importing oil and on the other hand we are enforcing an air embargo. An air embargo for all practical purposes is similar to what you do in the ocean when you stop all shipping. That kind of an action is potentially an act of war in the minds of many.

As a consequence of our increased dependence on foreign energy sources, we sacrifice to some extent the national security of this Nation. We sacrifice as well our oil dependence. We increase our balance of payments. I could go on and on with the dangers associated with increasing dependence on imported oil.

I think we should go back again to the chart and ask what is reasonable relative to States that do not want oil and gas activity off their shores. The proposed agreement put together with the cooperation of the Secretary of Interior and the Governor was basically three-quarters of the area has been withdrawn and we are still looking at something like 213 or 285 miles offshore. It is certainly beyond the reasonable consideration given to the protection of individual States from oil and gas. This is 100 miles from Pensacola; 100 miles from Mobile, AL; Biloxi, 123 miles; Venice, 70 miles. It is a long way out there.

Again, if you look at the experience of the industry in the Gulf many miles offshore from Louisiana, they are drilling now in 3,000 feet of water. They have developed the technology to have lease sales on 6,000 feet of water.

When you have an agreement put together, you have to respect it. What does the Governor of Florida say about the Secretary's decision? My understanding is that he supports it. The statement by Governor Jeb Bush regarding Lease Sale 181 is that today's unprecedented decision reflects a significant problem in Florida's fight to protect our coastline. In its defense of Florida's coastal waters, the Department of Interior's proposal under President Bush goes far beyond any previous proposals contemplated by

past administrations, including the Clinton and Chiles administrations. As a result, there will be no new drilling in the Lease Sale 181 areas off the coast of Florida. That is a statement of the Governor of Florida.

There is an agreement. It has been developed as a compromise between the Secretary of Interior, the Governor, and certainly it is beyond the reasonable consideration of what point are we going to put our body, so to speak, in front of the reality that we have to develop energy in this country. You can say, if 285 miles is too close, why don't we go 500 miles? Where is the limit? This is truly beyond the limit of reasonableness.

I think the amendment by the Senator from Florida really is unnecessary. You have an agreement now. It appears that most parties are happy.

Again, if the argument of the Senator from Florida prevails, then to what extent are we going to limit, if you will, reasonableness in determining where a lease sale offshore can take place, if one can't take place as proposed in the amendment between 213 and 285 miles offshore?

For the time being, that pretty well accounts for my opinion as to the necessity of recognizing where energy comes from and the reality that we have a workable compromise which certainly seems fair and equitable.

When you consider reasonableness on the distance from the coast of Florida, the reality that Florida will benefit in receiving conditioned gas from this lease sale and the practicality that if it doesn't go to Florida, Floridians are going to be paying a higher transportation cost at least for their gas because that gas will have to come overland from either Louisiana, Mississippi, or Alabama, then across country and down into Florida, Floridians will then be paying undoubtedly a higher price. But the most efficient way to transport their gas is through a pipeline to Tampa.

I yield the floor.

The PRESIDING OFFICER (Mr. REED). Who yields time?

Ms. LANDRIEU. Mr. President, I do.

The PRESIDING OFFICER. Without objection, the Senator from Louisiana may proceed under the time in opposition.

Ms. LANDRIEU. Mr. President, my colleague from Florida wishes to speak at this time. I will reserve my time after he speaks for about 10 minutes and will speak in opposition to the amendment. But in all fairness to the proponents, I would be happy to allow him to go first.

Mr. BREAUX. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The sponsor has 64 minutes. The opponent has 45 minutes.

Without objection, the request of the Senator from Louisiana is agreed to.

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I want to respond to some of the things that have been said on the floor. The Senator from Alaska has referred to the proponents of this amendment throwing their bodies in front of the train, a vehicle, or whatever. I gladly do so because of the stakes that are in this for the State of Florida.

I would like to point out that according to the statistics compiled by the Department of Interior, during the period between 1980 and 1999—almost two decades—some 3 million gallons of oil was spilled from Outer Continental Shelf oil and gas operations in 73 incidents. In addition, in one incident in April of this year, more than 90,000 gallons of saltwater and crude oil spilled out of a pipeline in Alaska's North Slope, becoming the fourth major incident there.

I point out the Department of Interior statistics simply to counter the perception that all of the Senators who have spoken in opposition to this amendment, of invading the eastern Gulf by drilling in an area which heretofore has been off limits to drilling, come from an oil-producing State.

What do you expect? They articulate the interests of the economic engines of their State. But when they give the impression that, in fact, offshore oil drilling is so safe, that there is no risk, and say instead the risk is in tankers, indeed, we know the risk in tankers because we saw what happened with the *Exxon Valdez*. But when they point out the fact that oil drilling and gas drilling is so safe and there are no spills, that is not what the facts say as compiled by the Department of the Interior.

Some 3 million gallons of oil from Outer Continental Shelf have been spilled in 73 incidents in time period between 1980 and 1999.

I want to clear up another statement that was made. It is stated there is all this oil out there. That is contrary to all of the engineering and the technology we have seen.

Indeed, let me tell you what has been estimated is in this lease sale 181. It is not some huge find. In this new lease sale 181, it is, in fact, a find of only 10 days' worth—10 days, T–E–N, 1–0—of energy for this country. Is that worth the risk to an industry that needs to protect its beaches and its environment? I say that it is not worth the tradeoff. It is not worth the risk.

As a matter of fact, the Natural Resources Defense Council has stated that in the eastern Gulf of Mexico, where the oil and gas industry has been pressing to drill—this area that, as you can see, is not violated, including this area shown on the map that is shaded in yellow, which is the subject of the lease sale we are trying to block—indeed, it said 60 percent of the Nation's undiscovered economically recoverable Outer Continental Shelf oil and 80 percent of the Nation's undiscovered economically recoverable Outer Continental Shelf gas is located in the central and western Gulf of Mexico.

So protecting this area that for years we have had a moratorium on because of its sensitivity to the ecology and economy of the surrounding areas—protecting that area will still leave a vast majority of the Nation's Outer Continental Shelf oil and gas available to the industry.

According to one study that even minimizes the risk of an oil spill, the chance of an oil spill in this area is as high as 37 percent. That is according to the Minerals Management Service.

So I want to respond to my colleagues, all of whom are from oil States, I want to make it very clear to them, this is not a NIMBY amendment that we are offering. We are not saying: Not in my backyard because oil rigs might spoil the view from our famous beaches. Indeed, we acknowledge that the latest plan—not the former one but the latest—would keep them out of sight. But Florida is unique in its dependence on those beaches, and it is unique on its dependence on the visitors who come to those beaches. Expanding drilling into this eastern gulf poses a serious risk not only to our precious natural resources but also to our entire economy.

Tourism is the lifeblood of that economy. It is in the range of $50 billion a year. Nothing could wreck our tourist industry quicker than waves of black oil lapping up on our white-sand beaches, regardless of whether the spill occurred 30 miles offshore or whether it is 100 miles offshore.

By the administration's own reckoning, the new leases would provide only enough oil and natural gas to meet just a few days of our Nation's needs. Is that worth the risk? Of course not. This is a commonsense approach. It is not worth the risk—not to Florida, not to the Nation—and it is not worth the risk to an area whose economy is so intertwined with a lot of the population that do not want this drilling.

My amendment would prohibit the Interior Department from selling new oil and gas leases anywhere in this eastern gulf planning area for 6 months from the time of enactment of this bill—only 6 months. It is intended to be a first step toward what I hope Senator GRAHAM and I will be able to offer—and I think we have assurances of offering an amendment to the Energy Department authorization bill for a continuation of this moratorium. For the sake of Florida, and for the sake of our Nation, I ask for your support.

I reserve the remainder of our time and yield the floor.

Mr. DASCHLE. Mr. President, we have been consulting with Senators on both sides of the aisle. I appreciate very much the help and cooperation of both our managers. I am now at a point where I can make a unanimous consent request.

I ask unanimous consent that the vote in relation to Senator NELSON'S amendment No. 893 occur tomorrow morning immediately following the cloture vote on the motion to proceed to the House bankruptcy bill, H.R. 333,

and that there be 4 minutes of debate equally divided between the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, in light of this agreement, there will be no further votes today. We will resume consideration of the bill tomorrow after the cloture vote. The managers have indicated to me that they believe we can finish the bill tomorrow. If we finish the bill tomorrow and dispose of the Griles nomination tomorrow, then we will have no other rollcall votes on Friday or on Monday. There will be tomorrow, as I noted in the unanimous consent request, a debate for a period of 3 hours, beginning at 9 o'clock, on the House bankruptcy bill, H.R. 333.

Following that, we will then come back to the Nelson amendment on which there will be 4 minutes of debate equally divided.

The PRESIDING OFFICER. Under the previous agreement, the Senator from Louisiana is recognized.

Ms. LANDRIEU. Thank you, Mr. President.

Mr. President, I have the greatest respect for my colleague who has recently joined us in the Senate from the great State of Florida. I have so enjoyed working with him on many issues that are important to us, such as education and health care, issues on which our constituencies have a great deal in common. I look forward to working with him in the future as well. But I am unwilling to support his amendment on this particular issue for, I think, many good reasons.

I urge my colleagues to vote against this amendment because not only is it not the right thing for Florida or for Louisiana or the gulf coast, it is not the right direction we need to take for our Nation. It will not put us on the right path for a sound energy policy, self-sufficiency, or necessarily for a cleaner environment in this world that we need to treasure more.

I associate myself with the remarks of my senior colleague from Louisiana, who has been a wonderful and very eloquent spokesperson, displaying a lot of expertise in this particular area both during his years in the House and now in the Senate. He continues to bring this Congress, both Democrats and Republicans, to some reasonable arrangements regarding the energy needs for our Nation.

I also associate myself with the remarks of the ranking member of the Energy Committee, Senator MURKOWSKI, and acknowledge his leadership in this area.

Mr. President, as the Scripture says: ''Come, let us reason together.'' If there was ever a time when Members of the Senate —both Democrats and Republicans—need to sort of lay down our swords and come, reason together, this is it because our country needs a well thought out, well-balanced energy policy. And in crafting one, we are all going to have to give a little as well as bend a little to do what we need for this Nation to sustain, support and protect the economic growth that is threatened by backward politics as in this case.

This is much broader than a few oil and gas States against the one State of Florida.

This debate is about national security and our economy. It is about compromise and common sense. It is an important debate.

To answer some of the points raised by the Senator from Florida, first, it is important to say that one of the proponents of this argument in the House said that people such as myself, or those of us who are trying to make the argument that if you want to consume oil and gas, you need to be willing to produce it as well, said if that was the case, then it goes to say, if you don't raise pigs in your backyard, you shouldn't eat bacon.

That might make some sense initially in its first blush. However, the fact is, every State produces some food product that we all consume. Florida produces wonderful oranges. I have enjoyed them every year. Louisiana produces some as well. The State of the Presiding Officer has commodities of which it is proud. Some of us grow cotton. Some of us grow soybeans. Some of us grow wheat. Some of us run cattle. Some of us grow other food products. We all contribute to the overall food supply of this Nation.

While we don't all grow the same crop, while we don't all run the same kind of cattle or livestock, every State in the Union contributes to the food supply of this Nation. That is the way it should be.

Every State should also contribute to the energy supply of the Nation. We have great resources in oil and natural gas. In addition, there is clean coal, nuclear and hydropower. We have a diversity of fuels to choose from in this nation and we should make use of all of them.

This attitude of ''I want to consume the power, but I refuse to produce the power'' has got to come to an end. It is not fair. It is not right. It is not smart. If we get caught up in this hysteria, we are going to lead this Nation into a dangerous place where our businesses are hurt and our economy cannot survive.

Let me talk about the State of Florida.

The State of Florida is the third largest consumer of petroleum products in the Nation. The State of Florida only produces, however, roughly 2 percent of the petroleum that it consumes and a very small percentage of the natural gas.

From 1960 to 1994, Florida electrical demand increased 700 percent. It is not the only State that has increased its demands, but it has been one of the fastest growing States. We are all happy and proud of the development in Florida and we want Florida to continue to grow and to expand, as we want all of our States in this Union to grow and to prosper but it must hold up it's end of the bargain as well.

From 1960 to 1994, Florida's fossil fuel use for electrical generation, made necessary by this extraordinary growth in population and electrical demand, has increased 551 percent. More than 80 percent of Florida's electrical demand is met today by fossil fuels.

Right now Florida, as every State, uses energy produced by fossil fuels. In south Florida, the natural gas demand for electricity generation purposes is expected to double by the year 2008. However, there are no increases in the number or size of nuclear power or hydroelectric power foreseen in Florida to supplement this need.

There is rising demand in Florida but it makes it quite difficult for those of us from Alabama and Florida to want to help in Florida when they are not willing to help themselves. It makes it very difficult for us to want to help Florida when they are not willing to help themselves.

There is not yet the significant increase in solar or wind production in Florida or generally in the United States, to adequately take the place of fossil fuels. Although those technologies are very promising we have not made the adjustment yet. I disagree with the President's decision to cut funding for those kinds of research and development projects. We need to increase funding.

In addition, from 1995 to 2002, a minimum of 24 new electrical generating plants will be added to Florida's power grid, and 21 out of the 24 new plants that are being planned for and designed today have to run by natural gas.

This amendment doesn't make sense for Florida. It doesn't make sense for Louisiana, Alabama, Texas, Mississippi, or the Nation but it certainly does not make sense for Florida. Florida needs more natural gas, not less.

I grew up on the beaches of Florida and appreciate their beauty. My family vacations all over the gulf coast. The compromise announced by the Administration, which is threatened by this amendment, allows us to salvage almost half of the natural gas and oil resources from the original lease sale area and is more than 100 miles from any part of Florida's coast.

It is not just Louisiana or Florida waters where there is gas and oil but the waters of the United States. In this day and age we can drill with minimal footprints and minimal risk to not only the Florida coast, but the entire gulf coast, and also provide states such as Florida, Mississippi, Alabama and Georgia with the power we need to grow.

I want to talk about that growth for a minute. When we talk about growth, we are talking about jobs, about people creating wealth, about people having a dream to start a business, about a new family buying their first home, and the electricity they need to run that home. This is about people who need to get to work, and the transportation they need

to get there. This is real. This isn't about mere statistics. If we can't power our economy, how can people feed their children and families?

Let me talk about risk for a moment. We have had people come on the floor and say we can't risk the beaches. However, in reality there is minimal risk. As the senior Senator from Louisiana pointed out, there is minimal risk associated with drilling. There is more risk from the possibility of oil spills when tankers have to transport the oil to our country.

This amendment, and others like it, will not decrease the risk, it will increase the risk because we will have more tankers coming into this Nation. The environmental leaders should be strong enough in this Nation to stand up and admit this fact.

There are also other risks to consider. The risk of a recession. I want the President to know I strongly disagree with his decision to modify this lease sale. He should have held his ground. We should be exploring for oil and gas in this entire lease sale area as originally proposed. If we do not supply states such as Ohio, California, Illinois or Louisiana, with the oil and natural gas to generate the power they need, we risk jeopardizing the economic future for our Nation. So if we are going to talk about risk, let's not just talk about environmental risk, let's talk about other risks to this Nation.

Another important risk to consider is that of our national security. The risk of our dependence on oil from the Mideast is well known. I don't mean to be overly dramatic, but I want this Senate to know that this is not just a fight between Alabama and Florida or a fight between Louisiana and Florida; this is involves the entire country. I urge my colleagues to vote against this amendment.

Let me talk about a more parochial issue as a Senator from Louisiana. We are proud of the contribution we have made to the oil and gas production in this country. However, the people in Louisiana also want a clean environment. The industry that operates off our coast has made great strides in making sure we can produce the oil and gas necessary to support the electricity needs of this nation while doing so in an environmentally responsible manner.

Louisiana and other gulf coast States have argued for some time now that if we are going to continue to drill in the central and western gulf there should be reasonable compensation not only for the environmental impact, but also for the infrastructure necessary to produce this oil and gas that is crucial to our nation.

Louisiana, Alabama, Mississippi, Texas and other States are asking to share more equitably in the revenues that are produced from this offshore development. Currently, if $2 billion in royalties is collected from production in the Gulf of Mexico, all of it goes into the Federal Treasury and is being spent in a variety of different ways. However, the states that permit production off their shores should be compensated fairly for their contribution to the nation as well as the impacts they incur. Whatever we decide and however we can come to terms, as reasonable people can agree, I hope one thing we will agree on is that, because interior States get to keep 50 percent of the revenues from development in their states, the States that are serving as a platform for offshore production will be fairly compensated as well.

In conclusion, we do not want to drive this industry off the shores of our Nation to other places in the world. We need a viable industry here for economic as well as national security reasons.

I urge my colleagues to vote against this amendment. With all due respect to my good friend, the Senator from Florida, this is not the right direction in which to lead our Nation.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, this is not related to the issue at hand, although I want to speak on that under whatever time I am yielded. This is under leader time on a resolution. I believe Senator DASCHLE will be joining me momentarily. We want to be sure to do this when we both can be here.

COMMENDING GARY SISCO FOR HIS SERVICE AS SECRETARY OF THE SENATE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 127, which is at the desk, and ask that the resolution be read in total.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 127) commending Gary Sisco for his service as Secretary of the Senate:

S. RES. 127

Whereas, Gary Sisco faithfully served the Senate of the United States as the 29th Secretary of the Senate from the 104th to the 107th Congress, and discharged the difficult duties and responsibilities of that office with unfailing dedication and a high degree of competence and efficiency; and

Whereas, as an elected officer, Gary Sisco has upheld the high standards and traditions of the United States Senate and extended his assistance to all Members of the Senate; and

Whereas, through his exceptional service and professional integrity as an officer of the Senate of the United States, Gary Sisco has earned the respect, trust, and gratitude of his associates and the Members of the Senate: Now, therefore, be it

Resolved, That the Senate recognizes the notable contributions of Gary Sisco to the Senate and to his Country and expresses to him its deep appreciation for his faithful and outstanding service, and extends its very best wishes in his future endeavors.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Gary Sisco.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 127) was agreed to.

The preamble was agreed to.

Mr. LOTT. Mr. President, I wanted the entire resolution to be read in the RECORD because I did want a complete record of the appreciation of the entire Senate for Gary Sisco who has served so capably over the past 5 years as the Secretary of the Senate.

I appreciate Senator DASCHLE joining me for this time because he knows, as I know, that we have some very dedicated officers of the Senate and other employees of our floor staff who put in long hours and do a great job in making this institution function the way it should. We do not say thank you enough to those who serve in the Chamber with us who make it possible for us to do our job, and we do not say thank you enough to the officers of the Senate, people such as the Secretary of the Senate, the Sergeant at Arms, the Chaplain, and others who work every day to help make this place function.

I have a very personal warm feeling for Gary Sisco. He is from Tennessee. He was born in Bolivar, TN, a small town. He grew up in strictly a blue-collar family. I believe his father did serve for a period of time as sheriff in that county in Tennessee.

I got to know him way back in, I guess, 1962 or 1963 at the University of Mississippi. We became friends. I managed to even talk him into joining the fraternity to which I belonged. We developed a very close friendship.

He wound up having a blind date with his now wife, thanks to the arrangement of my wife. Mary Sue Sisco is from Pascagoula, MS.

He went on to work with IBM after graduation and was involved in gubernatorial campaigns in Tennessee. He served Gov. Lamar Alexander, and then wound up in Washington and worked for Congressman Robin Beard as his administrative assistant. He worked for Howard Baker reaching the position of executive assistant. He then returned to Tennessee and had a very successful business life.

Five years ago, I called on him and said: We need somebody who understands computers, somebody who understands how to manage a pretty good size operation, somebody who knows how to keep the books straight, somebody who has political instinct and knows and loves the Senate. You are the man.

He left his business in Nashville, TN, and came to Washington and has been in the position of Secretary of the Senate for 5 years. He has done a wonderful job.

The only thing I ever asked of him was: Gary, when we have a few things

that need to be changed, need to be approved, let's just make sure when you leave and I leave the position I am in, it is better than it was when we got here.

I believe Gary Sisco has achieved that goal. To show you the kind of man he is, Senator DASCHLE had agreed, frankly, that the officers of the Senate could stay on through this session of Congress, even though the majority might change. So I know he would have kept his word and Gary could have stayed, but he submitted his resignation, and I agreed that I think the majority leader should have officers of the Senate of his selection. It was the right thing to do, but it was his idea; it was not mine.

Senator DASCHLE has been very gracious in the way he has treated the employees in the Office of the Secretary of the Senate. He has selected an outstanding, capable, experienced person and one who also understands the Senate very well, Jeri Thomson. I know she will continue the great legacy Gary Sisco has built.

To my colleagues in the Senate, I thank them all for the courtesies and support they have given to Gary Sisco, and I wish my friend the very best in his next career.

Some of us, as Senator DASCHLE and myself, have been in the Congress for many, many years now, in my case 28 years. I have to confess, in a way, I am a little envious of a guy who was in the business sector, in the political arena, in the congressional arena, back in the business world, back in the Senate arena, and is now going out to the next stage of his life. I am sure it will be an outstanding one.

I, again, extend my best wishes to Gary Sisco, his wife Mary Sue, and their children. I know they will always have a special feeling in their hearts for the Senate, and I believe the Senate also has that feeling for them.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, first, I compliment the distinguished minority leader on his remarks. I appreciate very much the opportunity to address the resolution this afternoon.

Five years ago, Gary Sisco came to Washington and came to the job as Secretary of the Senate with the full confidence of then-majority leader TRENT LOTT. Today he leaves the Senate, leaves his job as Secretary of the Senate, having earned the full confidence of now-majority leader TOM DASCHLE.

That did not just happen because he had the title. It happened because he worked at it. It happened because, in spite of the long tradition that he had of working for very able Members of the Senate on the Republican side in the Senate and the House and Governor, he came leaving his Republican credentials at home. He came working with us as Democrats and Republicans, equally serving his country and serving this institution as ably as anyone can.

As Senator LOTT has noted, the mark of a good and able public servant is one who leaves his job in a better position than when he came. I can say without equivocation Gary Sisco has met that test. It has been my pleasure to work with him. I have come to admire him and respect him, and I also respect the position he has taken with regard to this particular resignation.

I confirm exactly what Senator LOTT has just noted, that because of my respect, not only for Senator LOTT but for Gary Sisco and the Sergeant at Arms, it was my view, in keeping the continuity of the officers of the Senate, as well as because they were serving us so well, they had every right and could have every expectation that regardless of what may happen to the majority in the Senate, they would have the full confidence and have the full support of both caucuses for the duration of this Congress.

Gary Sisco has made his decision, and I respect it, but I do so with a great deal of appreciation. I do so with the hope that he will come back often. I do so with a realization that in this business we get to work with quality people, people who give back to their country, to their community, and to each of us in ways that I think is admirable. He has done so. Our country owes him a debt of gratitude. This Senate owes him a debt of gratitude.

On behalf of our caucus, I thank him for all he has given us. I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, again, I thank Senator DASCHLE for coming to the Chamber and making that statement, and I look forward to working with him and the new Secretary of the Senate to continue the very efficient and fine way the Senate has been conducted, in the way the Office of the Secretary of the Senate has been run. I know she will do a great job.

Mr. President, I do not know who is controlling the time now, but I want to be yielded time to speak against the pending amendment.

Several Senators addressed the Chair.

Mr. SESSIONS. Mr. President, will the majority leader yield for 1 minute to comment on Mr. Sisco?

Mr. LOTT. I will be happy to do so.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. I yield to Senator SESSIONS from Alabama.

Mr. SESSIONS. Mr. President, I thank the Republican leader and the Democratic leader and others for their kind comments about Gary Sisco.

In short, he is one of the finest people I know. He served the Senate with great integrity, ability, and fidelity. He has a wonderful family, high personal values, the kind of person you like to know, like to call your friend, you want to have in your home. He has served so well, and he leaves with grace and style quite in harmony with his whole lifestyle. I thank Senator LOTT for raising this point, and I join in his compliments.

Mr. LOTT. I believe the time has been off the leader time.

The PRESIDING OFFICER. That is correct.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

AMENDMENT NO. 893

Mr. LOTT. Mr. President, I rise to speak against the pending amendment. My question is, If we are not going to have exploration in the Gulf of Mexico in a limited area for oil and gas, where are we going to do it? Not in the Atlantic along the coast. Not in the Pacific along the coast. Some people say not in Alaska in the area that has been pursued. Then where? I believe we can do it effectively, efficiently, responsibly, and productively in the Gulf of Mexico.

For years, exploration in the gulf and, in fact, drilling activity occurred primarily in Texas and Louisiana waters. But in more recent years it has moved over under Mississippi and Alabama. It has been very productive.

This is an interesting map to which others have referred. The Florida coastline goes to Pensacola, Alabama with Mobile, Biloxi, and New Orleans. I live right here; that is where my house sits. I can step off my front porch and put a rock in the Gulf of Mexico. I can sit out on my front porch and I can see a natural gas well working right in this area. In the daytime you can see it. It is clear. And at night sometimes they flare it off. It has never been a problem and it is producing natural gas. As a matter of fact, it is closer to my front doorstep, literally, than it is to Panama City, Florida, or Pensacola, or Biloxi or New Orleans. I am perfectly comfortable with this. There is no risk.

Those who live in the gulf area know that some of the most effective drilling and exploration drilling anywhere in the world is done in the gulf. It has become more efficient, with greater accuracy. If there has ever been a spill in the gulf, it must have been very minor and certainly never affected my State, I don't believe, since we have had the drilling off the coast of Alabama and Mississippi. I don't believe we have ever had one.

It also is a wonderful place to fish around the oil rigs. We take old liberty ships out and sink them in the gulf so they will form fishing mounds. It is very effective. The rig serves the same purpose.

But now we have people who say we should not have it in the Gulf of Mexico, or we should delay it even further, even though there has been a compromise. I think this whole area should be opened up for lease. But now it is down to just this green area, a very small area. The Governors of the States that are involved—Louisiana, Mississippi, Alabama, and I believe this compromise provision is supported even by Jeb Bush—all of our leaders

and all of the people who live in this area support this.

What are we going to do? We are depending on foreign oil for 56 percent of our energy needs, and it is going up. It will be 60 percent. Can we get everything we need just from wind and sun? If we triple what we got from those areas, it wouldn't get us at 6 percent. As I said before, maybe we will have to harness some of the speeches around here to produce more energy needs in this country. But we need exploration for oil and gas. We need to look at greater use of nuclear power. We need to take advantage of clean coal technology. We do need alternative sources of energy—wind, solar, hydro. We need energy efficiency. We need to encourage conservation. But we need a national energy policy—the whole thing, the whole package—so that we will not be in danger of the threat of OPEC countries saying they will cut us off.

By the way, every time we have a decline or some sort of a threat from OPEC countries, we get oil out of the SPR. Where do you think the SPR is, the strategic petroleum? I think most of it is in Texas and Louisiana.

Now people are saying, well, in south Florida, let's build a 1.6 billion pipeline from my hometown and from Mobile, AL, across the Gulf of Mexico into Florida and supply their energy needs. We are supposed to take the risk in those areas of the exploration and the drilling for natural gas, and of course, sometimes for oil, and now we are going to build this pipeline and lay it across the Gulf of Mexico to supply the natural gas for people who say they don't want us to explore and produce. This makes no sense.

The people have to decide. Are we going to continue to go down this trail of not producing for our energy needs? Are we going to have this national security risk, facing the danger of loss of freedoms in America? Who thinks gasoline prices will not go up again next summer? They are. And so will diesel fuel prices. The families won't be able to afford to drive to their vacation spots. The small business men and women are going to have trouble paying their electricity bills. The farmers will have difficulty paying for the cost of diesel fuel for their tractors. It will ripple through the economy.

This is probably the most serious problem this country faces today. Meanwhile, we fiddle in Washington while the country has a heat stroke and is threatened with not having the energy to keep the economy growing. I think the American people realize this is a very serious problem. Some people shy away from calling it a crisis. OK, don't use that word. There is no imminent danger now. But there could be tomorrow, there could be next week. OPEC countries could say: We will cut you off. We could have rolling brownouts in California, blackouts in New York City. They will run short of power in south Florida.

This is the least we can do. We should do it now, not later. We have been wrestling around over this for months—in fact, years. This can be done safely, effectively. I understand it is projected this area could produce enough natural gas to provide 1 million families in America with the supply of natural gas they need for 15 years. I don't know whether that is accurate. It has been very productive in this part of the gulf. It is done efficiently and in very targeted ways. They know now where the oil and gas is. They can probably put a pin on it—and from long distances.

I urge my colleagues, this may be the only real vote we have on energy production in America this summer. Senator DASCHLE said we will focus on appropriations bills. He is right for doing that. We should try to help him move the appropriations bills. We will not get to a free-standing energy bill probably until the fall. But we should do it. In the meantime, we should not take this step of prohibiting or delaying exploration and development of the resources that we know are in the Gulf of Mexico.

My beach is closer to this area than the beaches in Florida. I say, bring it on. I am worried about the future of my country and my children's economic future. I urge my colleagues, this should be an overwhelming bipartisan defeat on an amendment that really, in view of all that has gone on, should not be passed.

I thank my colleague from Louisiana for yielding me this time.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. I yield to my colleague, the senior Senator from Florida, such time as he consumes.

Mr. GRAHAM. Mr. President, I am proud to join my colleague from Florida, Senator BILL NELSON, as we offer this amendment to help assure that America will have a policy of energy that is also a policy for our economic future and for the protection of important environmental treasures.

Let us clearly understand what the amendment we offer will do. It will provide for a short, 6-month delay, in the leasing of property in the area that is known as lease sale 181. This short delay, 6 months from the time the bill is enacted, will allow time to make some important decisions before we are committed to an option that may not be in the best interests of our Nation.

This is also an issue, while it is today in the context of the eastern Gulf of Mexico, the exact same issues which I will speak about are relevant to other areas of the country which share a similar concern, whether or not it is on the Atlantic coast. I heard this weekend of concerns off the northeast coast regarding a proposal for drilling in areas that have been very significant parts of the American tradition and history of commercial fishing for hundreds of years.

We know our friends who live in the area of the Great Lakes are concerned about proposals for drilling in Lake Huron and Lake Superior—again, areas that have in the past been off limits for drilling. California is another area that has expressed concern about the proposals for drilling under the rules as they currently exist.

While this may be characterized as a Gulf of Mexico issue, or even more specifically a Florida issue, it raises important implications for the Nation. Let me discuss two of those issues which I believe justify the 6-month delay we are requesting through this amendment.

First, the current laws that govern Outer Continental Shelf drilling in my judgment are imbalanced. They do not give proper consideration to other factors in addition to energy production, factors such as economic and environmental needs. We are all aware that America has needs for increased energy production. We are not insensitive to that. But we also are not myopic, that that is the only issue America needs to take in the balance in making these judgments. We believe balanced legislation on Outer Continental Shelf drilling would include the other factors that might be affected by that drilling. Let me give, as an example, what is happening today as a result of our law.

A number of years ago, leases were granted in these areas that are within 40 miles of the coast of Florida. Those are depicted on this map in the light pink and blue. The blue area is what is called Destin Dome. It is an area that is approximately 35 miles south of Pensacola. That lease has been outstanding for a number of years but was dormant. Then a few years ago the owner of that lease, the Chevron Oil Company, made an application for a drilling permit, to start production on that property. What was discovered was that basic environmental analysis, which in my judgment should have preceded the lease being granted in the first place, had not been done and it was deferred until the drilling permit was requested. As an example of those basic studies, one of them is the Coastal Zone Management Act. The Coastal Zone Management Act is administered in a joint program between the U.S. Department of Commerce and the various coastal States affected. The result of that analysis of the Coastal Zone Management Act was a determination by the State of Florida that it was a violation of the act and of the management plan, which had been approved by the U.S. Department of Commerce, to drill on this Destin Dome. That has now precipitated a series of litigation and administrative actions which have drawn this process out for many years.

In my judgment, the lesson of Destin Dome is let's do the environmental surveys before we grant the lease, before we create the expectations that a lease carries with it, before people apply for the permit to drill, so we have satisfied ourselves on environmental, economic, and the other considerations that this is a property which will be appropriate to drill should a lease be granted.

One of the things we could do, during this 6 months of deferral, would be to do an analysis of our current law to see if it is appropriately representing the wide range of interests that should be considered. We know we are going to be doing a major energy bill sometime in the next few months. Our Republican leader has indicated he thinks that will be on the Senate floor sometime this fall. I know the chairman of the Energy Committee is driving a schedule that would have it considered in committee this month. So we are not talking about long delays. We are talking about legislation that is viable at this moment and would be the appropriate means by which to raise these issues as to whether our current laws are adequate to represent the range of interests.

The second point I would make, that in my opinion justifies the 6-months delay which the House of Representatives has voted by an overwhelming margin, is the very fact of these existing leases outstanding. If we were looking at a map, not a current map but a map as recent as the early 1990s, we would also have seen lots of these little pink squares in this area adjacent to the Florida Keys. What happened there was that there was great concern about the potential adverse effects on one of the most fragile environmental areas in the world, the Florida Keys and their adjacent coral reefs. The President, George Herbert Walker Bush, announced that in his judgment that danger should be eliminated by the Federal Government reacquiring those leases in the vicinity of the Florida Keys. Over a period of less than 10 years, an aggressive program of reacquisition of those leases has, in fact, eliminated those leases.

I believe today we should be entering into negotiation during the administration of George W. Bush to do the same thing in the northern Gulf of Mexico, to eliminate those inappropriate leases that have been granted in years past, that now threaten the beaches of the Panhandle of Florida. Again, the 6-months delay would give us the opportunity, would give us the time to undertake exactly that type of analysis.

This idea is an idea which has been long under consideration. When some of the initial proposals were being made for lease site 181, our former colleague and then Governor of Florida, the now deceased Governor Lawton Chiles, wrote a letter, on October 28, 1996, to the Director of the Minerals Management Service about lease site 181. In that letter, Governor Chiles made this statement:

> A remaining concern, however, is the potential for development of the existing leases in the eastern gulf. I am still quite concerned about the dangers the State's pristine coastline faces from production activities on these leases offshore Northwest Florida.

Governor Chiles was talking about this cluster of leases in the Florida Panhandle section of the north Gulf of Mexico.

> While the final program represents a tremendous victory for Florida, I know the victory will not be complete until there are no existing leases off our coast.

This letter is now almost 5 years old and no progress has yet been made towards achieving that goal of eliminating those leases off the coast of Florida. This 6-month period should be a time in which we start the serious negotiations with the current administration of President Bush that proved to be so effective in the administration of his father in eliminating a similar cluster of oil and gas leases in the area of the Florida Keys.

This is not 6 months which would be frittered away. This is 6 months in which we can reexamine the fundamental law that currently governs the leasing of Outer Continental Shelf lands for oil and gas production, to assure that appropriate environmental studies are done before the leases are granted, not after the leases are granted, precipitating the kind of contentious litigation and administrative procedures we have been dealing with as it relates to Destin Dome.

It would also give us 6 months in which we could commence the serious negotiations with the current administration, as was the case in the late 1980s and early 1990s with the administration of the previous President leading to the elimination of the oil and gas leases in the southern Gulf of Mexico.

I believe our request is fair; that it is reasonable; that it has a specific purpose to be accomplished by the brief delay. It is the same amendment that the House of Representatives has already adopted by an overwhelming margin. It is one which I commend to my colleagues in the Senate, not only as it relates to the specific very fragile environmental area of our Nation but also for the precedent that was set in terms of establishing appropriate laws for the future and a reexamination of possibly ill-considered decisions in the past, such as granting these leases in appropriate areas which would be beneficial to all Americans.

I urge adoption of the amendment. Thank you.

The PRESIDING OFFICER (Mr. SCHUMER). Who yields time?

Mr. BURNS. Mr. President, I watched the debate with a great deal of interest. I can only think of the amendment a little while ago that was offered by the Senator from Illinois. The Minerals Management Service has been working on this lease sale for quite a while, and includes the current 5-year Outer Continental Shelf Oil and Gas Program. This was put on the table under the Clinton administration. The service prepared the draft EIS. They have ensured that the proper public hearings have taken place, including the hearings in Pensacola, Tallahassee, and Mobile. But despite the fact that service has jumped through all of the required administrative hoops, some opponents are now trying to foul the whole thing up in the end game right before the lease, of course, is finalized.

When we take a look at the Land and Water Conservation Fund, it is interesting that Members who have been leaning towards voting for this amendment are the same Members who have submitted healthy requests for money out of that Land and Water Conservation Fund for some of their projects. It is also interesting to note that in this very bill, Florida has approximately $42 million in items that are funded under the Land and Water Conservation Fund. It is likely that State has been the single largest draw on the Land and Water Conservation Fund in the last 5 years. That money is derived from royalties from offshore drilling and production. It is ironic to note that the State of Florida is actually the third largest consumer of petroleum products. However, it only produces about 2 percent of the petroleum that it consumes.

Basically, this amendment on the surface appears to be one of those ''not in my backyard'' kinds of situations or games.

To top it off, this amendment totally ignores the fact that last week the administration announced that it decided to reduce the size of the lease sale and in particular decided to make sure that the lease sale is much further away from Florida's shores.

A while ago, we had the amendment of the Senator from Illinois. Now we have the proponents of this amendment pleading with us to heed the local concerns for the protection of Florida's beaches, of which I would concur. I will say right now that I think the offshore drilling probably does less damage than the tankers that go up and down and unload in the Gulf of Mexico every day. They want those decisions to be made locally. But when it comes to voting on an issue that affected the West, they disregarded that.

When voting, I ask my fellow Members to think about the fact that this is a legislative rider that could ultimately reduce the amount of funds contributed to the Land and Water Conservation Fund, and it might interfere with our country's ability to produce its own oil and gas during a time when the country is facing a very serious energy crunch.

If local concerns are in play in Florida, why aren't they in Montana? I call that the lack of fairness. I think that is all we ever want in this body—fairness.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, this is a very serious national issue. It is not a Florida issue in any strict legal sense at all.

I used to be the U.S. attorney and represented the Federal Government. I know that these Federal waters are 260 miles away from Tampa, FL. It is a Federal decision about whether to lease it and produce oil and gas from it.

As a resident of Mobile, AL, which is right here at the tip of OCS central planning area, I am pretty familiar with the facts in this case and what happens.

Frankly, I have to say I am a little bit disappointed. The President of the United States, in my view, made a mistake when he cut back huge portions of this lease that is on that map to accommodate and appease the political leaders in Florida. What did he get? They still opposed the sale and are still opposing it right on this floor.

Yet this map shows a dotted line from my hometown of Mobile, AL, over to Tampa, FL. I wonder if anybody knows what those dotted lines reflect. They reflect a pipeline. That pipeline is being built at this moment. It started in June. The pipeline is to take natural gas produced in the western gulf to Tampa, FL, and to south Florida to meet their surging demands for natural gas. Yet when it comes time for them to go along with a national goal of producing natural gas way out in the Gulf of Mexico, far from where you can see it from land, they say: Oh, no. We can never allow that to happen.

They have fought it natural gas production consistently. I am really concerned about this position. We have natural gas here in the Gulf of Mexico. It is being produced off the shores of Alabama, Mississippi, Louisiana and Texas. Now they want to transport that gas over to Florida. What is that going to do to the price of natural gas for the homeowners in Alabama and electricity users in Alabama? They are going to bid it up. This demand on the limited supply in the western Gulf of Mexico is going to drive up the price of natural gas for the people in Alabama; and, at the same time, Florida refuses to allow any production in Federal waters 100 or more miles from their shore.

This is a national issue. One reason, in my view, we have an economic slowdown—and I do not think anybody can dispute it—is an increase in energy prices. Fifty-seven percent of our fossil fuels comes from outside the country. And that amount is growing. What does that mean? What it means is, American wealth is going overseas to Saudi Arabia, to Venezuela, to Iraq and other foreign countries, to pay for oil and gas that we have right here off our coast. Whom do we pay when we produce it here? We pay us. We pay the United States. We keep American wealth.

The oil companies agreed to pay $136 million just for the right to bid on this property and are projected to pay $70 million, at least, per year of royalty. More than that will probably go into the Treasury.

A big chunk of offshore royalty goes to the Land and Water Conservation Fund. The Land and Water Conservation Fund funds the purchase of parks and recreation areas, estuaries, and to protect environmentally sensitive areas that need to be preserved.

So the question is really simple for Americans: Whom are we going to pay? Are we going to transfer our wealth overseas? Keep it within the United States? Or are we going to send it abroad?

Make no mistake, people act as if the price of energy makes no difference. But when a family had a $100-a-month gasoline bill several years ago, and now has a $150-a-month gasoline bill, they have $50 less per month to spend for things their family needs. It is right out of their pocket. When that $50—or a big portion of it—is sent over to Saudi Arabia or Iraq and Saddam Hussein, for their oil and gas, we are not helping America.

Let me tell you, we do not just have oil and gas wells off the Alabama, Mississippi, Texas, and Louisiana coast 100 miles away, we have them right up in Mobile Bay, in some instances less than a mile from homes. I drove over to Gulf Shores right near Pensacola this Saturday to visit my brother-in-law, and he was there with his grandson. They were so proud. They had a picture of a 40-pound ling, a great fish. Where did they catch it? Under an oil rig about 1 mile off the gulf shore's coast—1 mile.

We have never had a problem with these oil and gas wells. Offshore oil and gas production in state waters has helped to generate for the State of Alabama a trust fund of $2 billion. The interest on that fund contributes over 10 percent of our general fund budget on an annual basis.

America has benefited from that. That supply has allowed American money to stay in Alabama and the producing States and not to go off to Saudi Arabia. It has helped to build wealth in America as a whole. You may say: You just want the money for Alabama. The truth is, Alabama is not going to get a dime out of this lease except as any other State would under the Land and Water Conservation Fund. The proposed lease sale is in Federal waters. It is not in State waters.

But we have produced oil in State waters right off the beaches, right in the bay here, and we have had no problems. People fish around it on a regular basis. It has created a steady flow of income and has been good for America.

The President, in trying to be accommodating, agreed to cut back this lease sale to less than one-quarter of the original area proposed by President Clinton. He tried to do that. He moved it off on the Alabama side—nothing in the Florida waters—to try to accommodate Florida. And the Florida politicians are still not happy. But they want this pipeline built. They want this pipeline built so they can get natural gas. And why do they want the natural gas? Because it is needed to fuel the new cleaner burning electricity plants they need to heat and cool their homes, shops and offices.

What is particularly valuable in the Gulf are the huge reserves of natural gas. The wells in the remaining lease area are going to be a mixture of oil and gas. But the neck, the ''stovepipe'', that the President shut off as part of his compromise to appease Florida's political leaders was virtually all natural gas.

So I think the Senators from Florida are asking a bit much. I would ask them to think about this. Is not this the philosophy that got California in the fix they are in today? For decades California was facing the question of offshore drilling: No. Nuclear power: No. Coal plants: No. Electric plants: No. And what happened? They have brownouts and prices going through the roof. And they want to blame somebody else. They won't blame themselves.

But energy is going to come from somewhere. It is either going to come from foreign sources or our own sources. We should not threaten our economy. We should not press down on the brow of American working men and women, with the burden of paying 20, 30, 40, cents more a gallon for gasoline, or twice as much perhaps for natural gas to heat their homes to accommodate some sort of political fear that exists out there.

So what I think is important is that we, as America, just relax a little bit. Let's be rational. Let's think this thing through. Let's ask ourselves: What real threat is there? And what are the benefits from producing out there? We simply cannot allow people over in Naples, FL, in their beach houses, worth probably $2, $3, $4 million each, worrying about running their air-conditioners all the time to dictate national energy policy.

Do you know how you generate electricity for air-conditioners in south Florida? They use natural gas because it is efficient and clean burning, much better than coal. So they want that natural gas. They just do not want it 213 miles or 260 miles away. ''Oh, no, we can't have this'' they say. I really do not think they know what has happened. I think they have been misled by some politicians and environmentalists who are not responsible.

This is an extreme position. I hate to say that. This is an unhealthy position to have this Senate take. We ought not to adopt this amendment that would stop us from producing oil and gas in one-quarter of the previously approved area. It is going to hurt us in America. It is going to hurt us economically.

The demands in Florida are significant. Thirty percent of all natural gas produced in America comes out of the gulf, and Florida will consume huge amounts. Their demand is going to double in the next 15 years, and increase over 142 percent in the next 20 years, according to experts.

Yes, we should conserve. Yes, I hope people will use those hybrid automobiles. I would like to have one myself. I don't know why everybody doesn't buy one. There must be some reason they don't buy them. If they are so wonderful, why doesn't everybody go out and buy one, if you get 50 miles to

the gallon? But I think they have potential. I am interested in looking at them and support the efforts of our automakers to improve efficiency. But it is a free country. Are we going to make everybody go out and buy one?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I will just say that I believe the President has submitted a scaled-down, fair, and reasonable proposal—too scaled down, frankly. It ought to have satisfied those who would object. Unfortunately, it has not. We have had to have this debate. And though it is healthy to have the debate, I am confident that the amendment will be defeated and that this small production area will be opened for the benefit of American taxpayers and the American economy.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, how many minutes remain in opposition?

The PRESIDING OFFICER. The opposition's time has expired.

Mr. NELSON of Florida. How many minutes remaining do I have as the proponent?

The PRESIDING OFFICER. Forty-one minutes twenty-one seconds.

Mr. NELSON of Florida. I do not intend to take that. I see all of the staff smiling at me.

But I would like to summarize. I would like to see if I can bring to closure a 3-hour debate on a part of setting any energy policy in this country that is very important not only to us along the gulf coast but to the Nation as a whole.

I want to mark the contrast in the debate that you have heard: Every Senator who has spoken in opposition to this amendment to stop oil drilling off Florida in the eastern Gulf of Mexico planning area is from an oil State.

That is the beauty of the United States of America. We come, each State represented by two Senators, and bring all of our different interests and constituencies here. But it is an interesting contrast that every opponent to us trying to protect against oil drilling in the eastern Gulf of Mexico is from an oil State.

Senator GRAHAM, my senior colleague from the State of Florida, has eloquently pointed out a number of things. He pointed out in his summary that these light-colored areas are active leases but no drilling has occurred. Senator GRAHAM and I have offered a bill to buy back these leases, just as President George Herbert Walker Bush had proposed buying back a bunch of leases off of the Ten Thousand Islands off of Naples, off of Fort Myers that occurred about a decade ago. We want to get rid of these, including the lease called the Destin Dome, where Chevron has an active permit to drill.

Let me give you some statistics about Chevron and its offshore rigs in the Gulf of Mexico and what they have experienced between 1956 and 1995.

There were 10 gas blowouts and an additional 5 blowouts of oil and a combination of gas. There were 65 fires and explosions of which at least 28 originated from natural gas, 14 significant pollution incidents, and 40 major accidents, resulting in at least 19 fatalities. There were five pipeline breaks or leaks.

I don't have any particular reason to cite this with regard to Chevron, except that Chevron came up because they have an active lease that is ready to be drilled 30 miles off of some of the world's most beautiful beaches called the Destin Dome. What Senator GRAHAM and I would like to do is to see us buy back that lease so that drilling, with a safety record and a blowout record as has been shown by the facts—and remember, facts are stubborn things—so that that won't occur right off of the sugary white sand beaches of Destin, FL.

We would like to reacquire that lease, just as the first President Bush had acquired so many leases down here threatening the 10,000 islands of the Florida Keys.

That is not the issue here today. The issue today is taking these active drilling leases in the central and western planning areas of the Gulf of Mexico and thrusting eastward toward the coastline of Florida with a new sale of 1.5 million acres.

They had 6 million acres in this original lease sale 181. They knew they were not going to pass it. They knew there was too much political opposition. So what they have done is they have scaled it back to 1.5 million acres, thinking they can get it through.

It is, in fact, the eastward inevitable march of drilling into the eastern planning area, an area that heretofore has not been violated with this drilling.

Let me cite some more statistics as we wrap up this debate. The Department of the Interior, on the day that the Senate and the House goes home for the Fourth of July, on Monday, July 2, announces this deal, that they are shrinking 181. In the course of that announcement, they put out a news bulletin: Secretary Norton announces area of proposed 181 lease sale on Outer Continental Shelf. And in that, the release states: The area also contains 185 billion barrels of oil.

You have heard the statistics of how much oil is there. The fact is, it is not 185 billion barrels of oil; it is 185 million barrels of oil that MMS, a part of the Department of the Interior, estimates is in this lease sale 181.

So I raise the question again, since this equates to about 10 days' worth of oil and gas energy for this country, is it worth the risk to the beaches of Florida and to the environment of Florida, this eastward march that will inextricably, inexorably happen, is it worth the risk? It is not.

I said earlier in my remarks, if ever I have seen anything that looks like the nose of a camel suddenly under the tent, it is that yellow-colored, 1.5 million acres coming into the eastern planning area that has no drilling.

Back in the middle 1980s, I was a junior Congressman from the east coast of Florida. The Reagan administration had a Secretary of the Interior named James Watt. James Watt was absolutely intent on drilling for oil off the entire eastern coast of the United States and was offering for lease sale leases from as far north as Cape Hatteras, NC, all the way south to Fort Pierce, FL. I went to work, as the Congressman from the middle eastern coast of Florida, to try to defeat that. And we defeated it in the appropriations bill, in an appropriations subcommittee on this very same Interior Department appropriations.

They left me alone. And 2 years later, they came back. This time they had worked the full Appropriations Committee in the House so that they thought they had the votes. And they were running that train down the track for oil drilling from North Carolina to south Florida. The only way that we beat it was to finally get NASA and the Department of Defense to own up to the fact that off the east coast of Florida, where we were launching the space shuttle, you couldn't have oil rigs out there where you were dropping the solid rocket boosters from the space shuttle launches and where you were dropping off the first stages of the expendable booster rockets that were going out of the Cape Canaveral Air Force Station.

They have left us alone on oil drilling until now. That was almost 16, 17 years.

What we happened to do was call the the Pensacola Naval Air Station.

Fast forward 17 years. We decided to call one of the greatest military installations in the world, the naval air station at Pensacola, the place where almost every naval aviator has learned to fly, and we asked if this lease sale 181 were to have a spill—remember, I cited statistics earlier that the Minerals Management Service says this lease sale has up to a 37- percent possibility of having an oilspill—we said to the executive officer at the Naval Air Station Pensacola: What would happen to Pensacola Naval Air Station and to the Air Force installations at Eglin Air Force Base at Fort Walton and Hurlburt Air Force Base near Fort Walton Beach?

No. 1, for both of those military complexes, virtually all testing, training, and operations over water would cease until the oil slick was completely cleaned up.

No. 2, flights would cease due to the hazards to pilots if they had to eject over oily water.

No. 3, water training and equipment testing would cease.

No. 4, test firing of weapons would cease over and into oily water.

In other words, the Pensacola Naval Air Station would virtually cease to operate as one of our greatest national assets.

We have not even talked about something that is a natural phenomenon in the State of Florida. Look at this peninsula. It is a land that I call paradise, but paradise happens to be a peninsula that sticks down into something known as hurricane highway, for in the course of the summer and into the early fall, because the Lord designed the Earth this way, hurricanes spring up in the gulf, they spring up in the Atlantic, and they go from the Atlantic into the gulf. It is an additional reminder of the additional hazards of Florida offshore oil drilling.

As we bring to a close this 3-hour debate, the risk of spill, according to the Government, on this lease sale 181 is all the way up to 37 percent. This lease sale, by the Department's own recognition, is only going to have about 10 days of oil and gas for the entire country. It is not going to lessen the dependence on foreign oil.

My goodness, the United States has 5 percent of the world's population, 3 percent of the reserves, but we consume 25 percent of the world's oil. We cannot drill our way out of dependence on foreign oil. We have to have a balanced energy policy which includes the use of technology to get greater miles-per-gallon in our transportation, as well as conservation, as well as being balanced with drilling.

I recite the statistic I cited that of all the future reserves, they are not in the eastern gulf planning area. Sixty percent of the Nation's undiscovered economically recoverable Outer Continental Shelf oil is in the central and western gulf area where they are already drilling, and for natural gas, of the entire Outer Continental Shelf, 80 percent of the future reserves are from the central and western areas, not from the eastern area.

I come back to the point at which we began 3 hours ago: Is it worth the risk? Is it worth the tradeoff: Little oil and gas, and yet the first invasion of the eastern planning area, a huge invasion, a million and a half acres? Is it worth the risk to an economy of a State that has pristine, white sandy beaches on which its economy is so dependent because of a $50 billion-a- year tourism economy? Is it worth it to the estuaries of Apalachicola, the Big Ben, and the Ten Thousand Islands, Tampa Bay, and the Caloosahatchee River, and the sandy beaches from Tampa all the way to Marco Island? It is not worth the risk. It is not worth the tradeoff.

That is why for years we see, as depicted by the green color, the active drilling leases off Texas, Louisiana, Mississippi, and Alabama, but not off Florida in the eastern planning area of the gulf.

I know the White House is putting on a full-court press. I know the oil and gas industry, through all of their innumerable lobbyists, are putting on a full-court press. We heard the Senators from each of the oil States. Not one non-oil-producing State spoke against this today. Yet we have our hands full because the full court lobbying press by every special interest involved in drilling in oil and gas is going to be working this issue as hard as it can before our vote that is going to occur sometime late tomorrow morning.

I ask my colleagues to consider the risk to their Outer Continental Shelf and to consider what is in the best interest of the Nation.

I am deeply honored that this is one of the first great debates in which I have engaged, in which I have joined so many of those with whom I argued in many of the other debates, such as budget, education, and the Patients' Bill of Rights. This, however, is one of the great debates that will take place, and it is an honor for me to have participated in it.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, OCS Lease Sale 181 is an essential element of a national energy policy that will provide affordable and secure supply of energy.

Sale 181, the most promising domestic opportunity for newly-available leases in many years is a resource rich area for new supplies of natural gas and oil. It will play an important role in meeting the Nation's energy needs.

Sale 181 is the work-product of more than five years of planning and preparation by the Federal Government, affected States, and industry, and should proceed as scheduled in December 2001.

The Nation's demand for natural gas is expected to grow significantly.

According to a 1999 National Petroleum Council study, the nation's demand for natural gas is expected to increase by 32 percent to 29 trillion cubic feet by 2010 and by 41 percent to 31 trillion cubic feet by 2015.

Current demand is 22 trillion cubic feet. Natural gas is essentially a North American commodity.

If the Nation is to meet its growing natural gas demand, access to gas resource rich areas like the Sale 181 area is an indispensable element of the energy policy agenda.

Major reserves of oil and natural gas are believed to exist in the eastern gulf. According to a study conducted in conjunction with the 1999 National Petroleum Council study, the Sale 181 area may hold 7.8 trillion cubic feet of natural gas and 1.9 billion barrels of oil.

This is enough natural gas to supply 4.6 million households for 20 years and enough oil to fill the Strategic Petroleum Reserve for three and one-half years or make enough gasoline to fuel 3.1 million cars for 20 years.

This is also three and one-half times the amount of oil currently in the Strategic Petroleum Reserves.

Sale 181 was recently modified to ensure a balance between state and federal interests.

Key affected constituencies including Alabama, Florida, and the Department of Defense were consulted during development of the current five-year plan to ensure that all concerns were addressed.

For example, the sale area was drawn to insure it was consistent with the State of Florida's request for no oil and gas activities within 100 miles of its coast, including limiting the number of tracts offered for lease.

In 1996, Florida Governor Lawton Chiles expressed appreciation to MMS for developing a program that recognized the need to exclude any tracts within 100 miles of Florida's coasts.

The sale area, with full recognition by Florida, including Florida congressional delegation, was specifically excluded from current leasing moratoria language under both Congressional action and President Clinton's 1998 Executive order.

Other tracts are expected to be deferred to assure smooth operations when the military and industry operate in the same area.

Sale 181 is a regional opportunity that impacts 5 Gulf States; all 5 Gulf States were consulted. Mississippi, Alabama, Louisiana, and Texas support Sale 181.

These States will enjoy significant economic benefits as a result of exploration and production activities in the area.

In addition, the coastal area of Louisiana will be the most heavily impacted of the five States.

The impact on Florida will be minimal. Many tracts in the sale area are closer to Louisiana, Mississippi, and Alabama than to Florida. In fact, Cuba is closer to Florida shore than is this lease.

Parts of the sale area come within about 40 miles of Mississippi, 64 miles of Louisiana, and about 18 miles of Alabama.

Florida could benefit significantly from Sale 181. Florida's population is expected to grow by 29 percent between now and 2020.

Florida's total demand for natural gas is expected to grow by 142 percent during the same period.

About two-thirds of this growth in demand is for natural gas to generate electricity.

Some of the potential 7.8 trillion cubic feet of natural gas that could be produced from Sale 181 could help meet the State's significant demand for natural gas during this time.

Making more natural gas available to Florida utilities for electricity generation should lead to better air quality in the state.

Mr. MCCAIN. Mr. President, I would like to clarify for the RECORD why I voted to table the Durbin amendment to H.R. 2217, the Interior appropriations bill for fiscal year 2002.

First of all, once national monuments are designated, similar to other federal designations, those lands are withdrawn from any further mining activity, with exception to existing

leases. My understanding is that nearly all of the recent monuments designated by the prior Administration are protected in this manner. Only one of the newly established monuments in Colorado has specific provisions in its proclamation that could potentially allow some type of oil or gas mining development. Unless the Congress or the President by executive action changes the terms of the original proclamation that established these monuments, these lands areas are protected. I would imagine that such changes would be difficult to approve.

The second reason I opposed this amendment is that I object to the process by which many of these monuments were designated by the previous Administration. If important land use issues like this one had been thoroughly evaluated during an open and fair public process prior to the monument designation, the Senate would not have to vote on this type of amendment. The use of the 1906 Antiquities Act is not an appropriate way to unilaterally cut off millions of acres of land from public use by fiat nor does it allow for the type of open and fair input to those living and working on and near those lands. Our democratic process should promote such procedural fairness and consultation.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMPAIGN FINANCE REFORM

Mr. TORRICELLI. Mr. President, no matter what other issues are discussed in this Senate, what other concerns are brought before the body, the Nation's attention is turned again to the issue of campaign finance reform, the seemingly never-ending effort to restore integrity to this process and change the Nation's campaign finance laws.

In March, the Senate passed a comprehensive and workable piece of legislation; it required 2 weeks and 22 amendments. One of those amendments I offered together with my colleagues, Senator CORZINE, Senator DURBIN, and Senator ENSIGN. It was the other part of the equation: As we reduce the amount of money that is raised, to reduce the amount that must by necessity be spent.

Campaign spending in America is easily defined. It is used for television overwhelmingly: 80 or 85 percent of the cost of the Senate campaign goes to a television network.

This amendment was passed overwhelmingly by the Senate. I take the floor today because it is now in jeopardy. It is unconscionable, while the American people have demanded a control on the amount of political money being spent in America, unconscionable while this Congress has fought for campaign finance reform, the broadcast industry is fighting to the death to reverse this amendment in the House of Representatives and allow the television networks to charge whatever they want to charge for political advertising.

I take the floor today as one who has voted for campaign finance reform since I came to the Congress 18 years ago. I have always voted for campaign finance reform. I always want to vote for it because I believe the system must be fundamentally changed to restore integrity to the system and gain the confidence of the American people.

I take the floor to make this very clear: Reducing campaign fundraising without reducing the cost of campaigns is not reform. That reduces the amount of communication. It makes it more difficult for the political parties and candidates to communicate their message. This cannot be reform. This is silencing political debate in America.

The bill that passed this Senate reduced the amount of soft money, eliminated the amount of soft money and, correspondingly, in a balanced fashion, dealt with this cost of advertising.

In 1971, the Congress believed we had faced this problem and required the charging of the lowest unit charge. Over 30 years, the law became ineffective. That is why I offered this amendment. This chart shows, by 1990, an audit by the FEC found that 80 percent of television stations were failing to give the lowest rate. These are examples from around the country. The price of a typical ad is a percent greater than the lowest rate that should have been offered: NBC in New York, 21 percent higher than by law should have been charged; WXYZ in Detroit, 124 percent; KGO, San Francisco, 62 percent higher than the lowest rate. These are the numbers that convinced 69 Democrats and Republicans in the Senate to pass this amendment.

The second reason for the amendment is that stations are charging candidates the lowest rate, looking back 365 days. So they cannot simply charge the lowest rate available on that day, which they were not doing anyway, but had to look back for what was the lowest rate during the course of the year. The fact is, the broadcast industry in America has been profiteering at the expense of the political system. There is not another democracy in the world where the public airwaves, licensed to private companies, are used for profiteering and price gouging when a public candidate attempts to communicate with people in the country.

The patterns are quite clear. This chart indicates the percentage of ads sold above or below the lowest unit cost per station. Below the unit rate, Philadelphia, KYW, 9 percent; Detroit, XYZ, 8 percent; Los Angeles, one of the better in the country, is only 63 percent. NBC in New York, 15 percent of their ads are sold in accordance with the 1971 law at the lowest unit rate.

It isn't that the law is not being obeyed; it is being violated wholesale. Compliance with the law is the rare, rare, exception.

Here is the magnitude of the problem. In the 2000 political season, political advertisers spent $1 billion on television ads; $1 billion was raised, fundraiser by fundraiser, mailer by mailer, telephone call by telephone call. And an extraordinary percentage of this advertising, if it had been paid for at the lowest unit rate, would have saved hundreds of millions of dollars in political fundraising.

My message out of this, I hope, is clear. I speak not to my colleagues, but I speak to the broadcast industry, to the network televisions, which since the 2000 Presidential campaign have carried on a campaign of their own, criticizing the political community, attacking individual candidates, railing against the problems of political fundraising.

Instead of being part of the problem, be part of the solution. Campaign finance reform does not simply mean the Democrat and Republican Parties. It means ABC, NBC, CBS. It means you. Get your lobbyists out of the House of Representatives, out of these Chambers, and be part of a solution of campaign finance reform. Allow a balanced piece of legislation to pass this Congress that deals with this problem.

The National Association of Broadcasters has been fighting against this provision in an exercise of their own greed on two myths: First, that this will lead to perpetual campaigns because the low rates will mean this will go on and on forever in advertising.

That simply is not the case. The look-back will only allow the lowest rates for 365 days. Mr. SHAYS and MEEHAN have only proposed 180 days. That is the extent, in the primary season, campaigns are taking place anyway. The campaigns will not be longer; they will just be less expensive. And that is the problem for the broadcasters.

Second, that this is somehow unconstitutional, that we are taking private property. For 30 years this has already been the law. The broadcasters, as a condition of their license, are required to do public broadcasting, sometimes children's broadcasting. They comply with all kinds of Federal requirements as a condition of having a public license. This is one more, but it is not even a new requirement. For 30 years we have required them to sell at the lowest unit rate. They simply are not doing it. We are just strengthening the law; we are not fundamentally changing the law.

Third, they allege the amendment could force a TV station to sell a 30-second spot during a prime time television show for a de minimus amount of money. Actually, that would not be bad if it were true, but it is not. The FCC, in mediating pricing disputes under the law as it now stands, has always taken viewership levels into account, that they must be comparable.

You cannot take a 2 o'clock in the morning television show that sells at a discount rate and compare it with prime time. It simply is not true.

Fourth, the broadcasters say lowering the costs of candidate advertising will result in candidates running more ads. As my friend MITCH MCCONNELL commented on occasion, the Nation does not suffer from too much political discussion. It would not be a bad thing if there were more advertising, discussing more issues. But that is probably not the result of this amendment. It simply means candidates will raise less money because of campaign finance reform and hopefully be able to have the same amount of advertising because rates are lower.

This is all part and parcel of eliminating a major source of revenue for the broadcasters, and that is the problem. Political advertising is a paid form, in my judgment, of community service. This is not running a public service ad for the Boy Scouts, but it should not be akin to charging General Motors to advertise a new car either. And that is exactly what has happened.

Here, political ads have now become the third highest source of revenue for the broadcasters. In 1998, the automobile industry was the source of 25 percent of advertising dollars in America. Political candidates, using the public airwaves to discuss public policy issues under campaign finance law restrictions, are 10 percent of advertising dollars in America. This is growing faster than any other component of advertising in the Nation. Political advertising is not an industry; it is how we conduct public policy in a democracy. That is why we have offered this amendment as well.

This legislation will be voted upon in the House of Representatives in only another day. The House of Representatives has a choice that was before this Senate. The national broadcasters have spent $19 million since 1996 to lobby this Congress. They have spent $11 million to defeat no fewer than 12 campaign finance bills that would have reduced the cost of candidate advertising. It is unconscionable and it is wrong. It is also hypocrisy. The very news departments and executives that come to this Congress and complain about the state of politics in America, the lack of public confidence, the declining levels of integrity in the public discourse because of campaign fundraisers, are now a principal obstacle to reform.

I want to vote for McCain-Feingold when that legislation returns to this Senate after a conference, but I will make it very clear: Restricting campaign fundraising with no restriction on the cost of campaign advertising, in the region of the country in which I live, and Los Angeles and Chicago and Miami and Boston and other large cities in America, means that candidates will not be able to communicate with the public. There will be no independent means of the political parties actually getting their message to American voters.

I am prepared to vote to limit campaign spending, to eliminate soft money, but the test, in my judgment, at least for the region of the country in which I live, is whether we can overcome this hurdle of the broadcasters as well.

Mr. President, I hope the House of Representatives meets its responsibility. I hope we can get a bill that in good conscience many of us in the Senate can vote to support.

I yield the floor.

H–2A REFORM

Mr. BURNS. Mr. President, I rise today to express my support of the Agriculture Job Opportunity, Benefits, and Security Act of 2001. I am proud to join my colleague Senator CRAIG as a cosponsor of this important legislation.

I am a strong believer that American workers should have the first chance to have American farm and ranch jobs. However, when there are not enough American workers, our agricultural producers should be able to find farmworkers elsewhere. Under the current H–2A agricultural guest worker program, producers are required to go through a lengthy, uncertain, and undoubtedly costly process to demonstrate to the Federal Government that American workers are not available in order to gain authorization for guest workers. During this long process, Montana crops are not being harvested and cattle and sheep herds are not being tended to the degree they require. A General Accounting Office study recently found that the Government's inefficiency in processing such claims discourages use of the program. As a result, the Federal Government estimates that only half of this country's 1.6 million agricultural workers are authorized to work in the U.S., and the figure may be higher since the estimate is based on self-disclosure by illegal workers.

Let me give you an example of how H–2A reform will benefit real producers. We have a number of large sheep operations in Montana. All of these sheep need to be sheared in the spring of the year, and as any sheep rancher will tell you, this is a job that needs to be done quickly, safely, and accurately. Shearers need to pay close attention to detail, lest sheep could be severely injured. With the number of sheep ranches in this country dwindling, there are few Americans who shear professionally, so guest workers from countries such as Argentina must be brought in to do the job. Reform of the H–2A program would make this process easier for our sheep producers.

It is high time we reformed the H–2A program. This legislation will replace the current system with a more efficient process for certification of H–2A employers looking to hire agricultural guest workers. It will also replace the current, unrealistic premium wage mandated for H–2A employers with the standard, minimum wage. Employers will continue to furnish housing and transportation to H–2A workers.

This bill makes sense for producers in Montana, Senator CRAIG's home State of Idaho, and other agricultural States across the country. It also provides a better environment for our guest workers. I look forward to working with my colleagues on this important legislation.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 14, 1999 in El Dorado, AR. Thomas Gary, 38, was run over by a truck he owned after he suffered a blow to the head and shotgun injuries that killed him. Chuck Bennett, 17, who has been charged with the crime, claimed that Gray made a sexual advance toward him.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 10, 2001, the Federal debt stood at $5,710,436,329,428.99, five trillion, seven hundred ten billion, four hundred thirty-six million, three hundred twenty-nine thousand, four hundred twenty-eight dollars and ninety-nine cents.

One year ago, July 10, 2000, the Federal debt stood at $5,662,950,000,000, five trillion, six hundred sixty-two billion, nine hundred fifty million.

Five years ago, July 10, 1996, the Federal debt stood at $5,148,771,000,000, five trillion, one hundred forty-eight billion, seven hundred seventy-one million.

Ten years ago, July 10, 1991, the Federal debt stood at $3,533,712,000,000, three trillion, five hundred thirty-three billion, seven hundred twelve million.

Fifteen years ago, July 10, 1986, the Federal debt stood at $2,071,214,000,000, two trillion, seven-one billion, two hundred fourteen million, which reflects a debt increase of more than $3.5 trillion, $3,639,222,329,428.99, three trillion, six hundred thirty-nine billion, two hundred twenty-two million, three hundred twenty-nine thousand, four hundred twenty-eight dollars and ninety-nine cents during the past 15 years.

ADDITIONAL STATEMENTS

PAYING TRIBUTE TO THE KNOLL MOTEL IN BARRE, VERMONT

• Mr. LEAHY. Mr. President, I rise today to pay tribute to the Knoll Motel in Barre, VT, a pioneer establishment of the VT tourism industry.

In April 2000, the Knoll Motel celebrated its 50th anniversary of offering warm and courteous hospitality to visitors of the Green Mountain State. Founded in April of 1950, it is the State's first and longest operating motel.

During the period following World War II, the number of Americans traveling for recreational purposes increased dramatically. As more and more citizens traveled the country's expanding network of highways, the touring public were in need of economical and conveniently located overnight accommodations. Responding to this trend, the American tourist industry established motels that catered to the needs of family highway travelers.

Recognizing the economic potential associated with the growing tourist industry in Vermont, Stanley and Minnie Sabens established the Knoll Motel on 1015 North Main Street in Barre. Located near the State Capital, Montpelier, and what eventually became Interstate 89, the original eight-room facility became a model for the motel industry in Vermont, where tourism is vital to the success of the state's economy.

Keeping with Vermont's proud tradition of family-owned businesses, Stanley Sabens II has assumed the management of the Knoll Motel, ensuring that future generations of visitors to Vermont will be able to enjoy the Sabens' hospitality for years to come.

I congratulate the Sabens family and the Knoll Motel for their many years of service to Vermont and its visitors, and I wish them success in the future.•

IN MEMORY OF ROSEMARIE MAHER

• Mr. MURKOWSKI. Mr. President, I rise today to speak in remembrance of a wonderful Alaskan, Mrs. Rosemarie Maher, the President and Chief Operating Officer of the Doyon Native Regional Corp. based in Fairbanks, Alaska.

On Monday, I attended the moving memorial service in Fairbanks in Rosemarie's Maher's honor, who tragically died quite suddenly last week at far too young an age—53. Along with my wife Nancy, I want to express my deepest sympathies to Rosemarie's husband, Terry J. Maher, their children: Malinda and husband Jim Holmes, Warren J. and wife Angela Westfall, and Kerry-Rose and Kevin Maher, and all other family members.

I also want to express my condolences to the employees and all of the nearly 14,000 shareholders of Doyon Ltd. upon the death of a very dedicated and talented woman, who successfully advanced the causes of both Doyon members and of all Alaska Natives.

Rosemarie Maher showed uncommon grace and perseverance during her three decade career working on behalf of Alaska Natives. For 21 years, she served as a member of the Doyon corporation's board of directors and assumed the role of daily leadership of the corporation under such difficult circumstances in winter 2000.

Rosemarie Maher began her involvement in Alaska Native organizations and public service while still in her 20's. As a devoted wife and mother, she helped to steer development of several organizations, including the Interior Village Association and the Tanana Chiefs Conference. In 1979, she was first elected to the Doyon Ltd. Board of Directors. Seven years later, she was elected Chairman of the Board, a position she held until her appointment as President and Chief Executive Officer after the tragic plane-crash death in January 2000 of long-time Doyon President Morris Thompson.

Mrs. Maher was born in a fish camp on the Nabesna River near her home of Northway along the Alaska Highway in Central Alaska. As a child she was raised as a traditional Athabascan Indian, but as a young teen she was educated at Sheldon Jackson School in Sitka and later at East High School in Anchorage. After graduating from high school, she trained at Alaska Business College and in 1969 moved to Fairbanks, working for several U.S. Government agencies.

During the mid 1970s, Mrs. Maher moved back to Northway where she was elected President of the Northway Village Council and helped form the Upper Tanana Alcohol Program in the Tok area. She also played a key role in the incorporation of Greater Northway Inc., the non-profit organization formed to administer local infrastructure and economic development projects in the region. She was a shareholder of Northway Natives Inc., the Alaska Native Claims Settlement Act Village Corporation for Northway, serving as the first President of that organization. She also was President of Naabia Niign, a Northway Native subsidiary.

From 1976 to 1984 she entered governmental public service as a member of the Alaska Gateway School District Board and was a director of the Northwest Regional Education Lab, a nonprofit, federally and privately funded educational research organization based in Portland, Ore. She also was a member of the Teamsters Union, working summers in road construction and hazardous waste cleanup between 1992 and 2000.

At the statewide level, Rosemarie served as Co-Chair of the Alaska Federation of Natives from 1997–2000 and was a member of the Alaska Board of Game. She also served as a member of the Governor's Commission on Local Governance and Empowerment and on the Governor's Highway and Natural Gas Policy Council.

Rosemarie truly did commit her life to the success of Alaska Native corporations and to the betterment of her neighbors and of all Alaska Natives. Her death is a great loss, not just to Doyon and her Native culture, but to all who knew and loved her. Again our deepest sympathies to her family and friends. She will always be remembered with great fondness.•

MESSAGES FROM THE HOUSE

At 12:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate.

H.R. 2131. An act to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 168. Concurrent resolution expressing the sense of Congress in support of victims of torture.

H. Con. Res. 170. Concurrent resolution encouraging corporations to contribute to faith-based organizations.

H. Con. Res. 174. Concurrent resolution authorizing the Rotunda of the Capitol to be used on July 26, 2001, for a ceremony to present Congressional Gold Medals to the original 29 Navajo Code Talkers.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2131. An act to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004, and for other purposes; to the Committee on Foreign Relations.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 168. Concurrent resolution expressing the sense of Congress in support of victims of torture; to the Committee on the Judiciary.

H. Con. Res. 170. Concurrent resolution encouraging corporations to contribute to faith-based organizations; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2711. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Policy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Assistance Regulation; Administrative Amendment'' (RIN1991–AB58) received on July 9,

2001; to the Committee on Energy and Natural Resources.

EC–2712. A communication from the Director of the Office of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Payment or Reimbursement for Emergency Treatment Furnished at Non-VA Facilities'' (RIN2900–AK08) received on July 10, 2001; to the Committee on Veterans' Affairs.

EC–2713. A communication from the Acting Administrator of the Small Business Administration, transmitting, pursuant to law, a report concerning Minority Small Business and Capital Ownership Development for Fiscal Year 2000; to the Committee on Small Business and Entrepreneurship.

EC–2714. A communication from the Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Designation of Round III Urban Empowerment Zones and Renewal Communities'' (RIN2506–AC09) received on July 9, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2715. A communication from the Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Prohibited Purchasers in Foreclosure Sales of Multifamily Projects with HUD–Held Mortgages and Sales of Multifamily HUD-Owned Projects'' (RIN2501–AC89) received on July 9, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2716. A communication from the Chairman of the Board of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of the Office of the Inspector General for the period from October 1, 2000 to March 31, 2001; to the Committee on Governmental Affairs.

EC–2717. A communication from the Acting Chief Administrative Officer/Secretary of the Postal Rate Commission, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Chairman/Commissioner, received on July 10, 2001; to the Committee on Governmental Affairs.

EC–2718. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to sexual harassment complaints and sexual misconduct for Fiscal Year 1998; to the Committee on Armed Services.

EC–2719. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–2720. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the Administrative/Management Support function at Naval Air Systems Command, Naval Air Warfare Center Aircraft Division at Lakehurst, Ocean County, New Jersey; to the Committee on Armed Services.

EC–2721. A communication from the Assistant Secretary of the Pension and Welfare Benefits Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Employee Retirement Income Security Act of 1974; Rules and Regulations for Administrative and Enforcement; Claims Procedure'' (RIN1210–AA61) received on July 9, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2722. A communication from the Assistant Secretary for Administrative and Management, Department of Labor, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Wage and Hour Administrator, EX–V, Wage and Hour Division, received on July 10, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2723. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the designation of acting officer for the position of Wage and Hour Administrator, EX–V, received on July 10, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2724. A communication from the Acting Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''National Automated Immigration Lookout System (NAILS); Immigration and Naturalization Service (INS)'' (Justice/INS–032) received on July 10, 2001; to the Committee on the Judiciary.

EC–2725. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Refugee Resettlement Program for the period from October 1, 1998 through September 30, 1999; to the Committee on the Judiciary.

EC–2726. A communication from the Chief of the Division of General and International Law, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Service Obligation Reporting Requirement for USMMA Graduates and State Maritime School Graduates'' (RIN2133–XX01) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2727. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 135 and EMB 145 Series Airplanes'' ((RIN2120–AA64)(2001–0282)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2728. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dornier Model 328–300 Series Airplanes'' ((RIN2120–AA64)(2001–0278)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2729. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Saab Model SAAB 2000 Series Airplanes'' ((RIN2120–AA64)(2001–0279)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2730. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dassault Model Falcon 10 Series Airplanes'' ((RIN2120–AA64)(2001–0280)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2731. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 120 Series Airplanes'' ((RIN2120–AA64)(2001–0281)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2732. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Model BAe 125 Series 800A (C–29A and U–125 Military), 1000A, and 1000B Airplanes; Hawker 800 (U–125A Military) Airplanes, and Hawker 800 XP and 1000 Series Airplanes'' ((RIN2120–AA64)(2001–0275)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2733. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–100, 200, 300 and 747SP Series Airplanes'' ((RIN2120–AA64)(2001–0276)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2734. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–300, 400, 500, 600, 700, 800, 757–200, 200PF, 200CB, and 757 300 Series Airplanes'' ((RIN2120–AA64)(2001–0277)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2735. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–800 Series Airplanes'' ((RIN2120–AA64)(2001–0272)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2736. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes'' ((RIN2120–AA64)(2001–0271)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2737. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Kaman Aerospace Corp Model K 1200 Helicopters'' ((RIN2120–AA64)(2001–0270)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2738. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model EC 155B Helicopters'' ((RIN2120–AA64)(2001–0269)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2739. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopter Textron Canada Model 407 Helicopters'' ((RIN2120–AA64)(2001–0267)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2740. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopter Textron Inc., Model 205A, B, 212, 412, 412EP, and 412CF Helicopters'' ((RIN2120–AA64)(2001–0268)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2741. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives:

Boeing Model 747–100, 200, 300, 747 SP and 747 SR Series Airplanes; Powered by P and W JT9D–3 and –7 Series Engines'' ((RIN2120–AA64)(2001–0265)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2742. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC 9–81, 82, 83, and 87 Series Airplanes and MD 88 Airplanes'' ((RIN2120–AA64)(2001–0264)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2743. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC–8–400 Series Airplanes'' ((RIN2120–AA64)(2001–0262)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2744. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Quota Harvested for Period 1'' received on July 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2745. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Amendment to the Steller Sea Lion Emergency Interim Rule (removes seasonal allocation of Pacific halibut prohibited species catch apportioned to the ''shallow water trawl fishery'' and closes that fishery)'' (RIN0648–AO82) received on July 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2746. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Pacific halibut and Red King Crab By Catch Rate Standards for the Second Half of 2001'' received on July 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2747. A communication from the Deputy Chief of the Competitive Pricing Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Access Charge Reform, CC Docket No. 95–262, Order'' (FCC 01–166) received on July 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2748. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Recreational Fishery; Retention Limit Adjustments'' (I.D. 051701G) received on July 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2749. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Security Requirements for Unclassified Information Technology Resources'' (48 CFR Parts 1804 and 1852) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2750. A communication from the Secretary of the Army and the Secretary of Agriculture, transmitting jointly, pursuant to law, a report relative to the interchange jurisdiction of Army and National Forest Service lands at Fort Leonard Wood Military Reservation in the State of Missouri; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2751. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Change in Disease Status of Uruguay Because of Foot-and-Mouth Disease'' (Doc. No. 00–11–2) received on July 10, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2752. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries Grown in the State of Michigan, et al.; Modifications to the Rules and Regulations under the Tart Cherry Marketing Order'' (Doc. No. FV01–930–3 IFR) received on July 10, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2753. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Federal Climate Change Expenditures; to the Committee on Foreign Relations.

EC–2754. A communication from the Deputy Director of the United States Trade and Development Agency, transmitting, pursuant to law, the report of the discontinuation in acting role and a nomination confirmed for the position of Director, received on July 5, 2001; to the Committee on Foreign Relations.

EC–2755. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning the Central African Republic; to the Committee on Foreign Relations.

EC–2756. A communication from the Assistant Secretary of Legislative Affairs, Department of States, transmitting, pursuant to law, the report of a rule entitled ''VISAS: Documentation of Nonimmigrants Under the Immigration and Nationality Act; Application for Nonimmigrant Visas: XIX Olympic Winter Games and VIII Paralympic Winter Games in Salt Lake City, Utah, 2002; to the Committee on Foreign Relations.

EC–2757. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''VISAS: Documentation of Immigrants under the Immigration and Nationality Act, as amended—Diversity Visas'' (22 CFR Part 42) received on July 5, 2001; to the Committee on Foreign Relations.

EC–2758. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Taiwan; to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Douglas Jay Feith, of Maryland, to be Under Secretary of Defense for Policy.

*Jessie Hill Roberson, of Alabama, to be an Assistant Secretary of Energy (Environmental Management).

*Jack Dyer Crouch, II, of Missouri, to be an Assistant Secretary of Defense.

*Steven John Morello, Sr., of Michigan, to be General Counsel of the Department of the Army.

*Michael Montelongo, of Georgia, to be an Assistant Secretary of the Air Force.

*Michael W. Wynne, of Florida, to be Deputy Under Secretary of Defense for Acquisition and Technology.

*Dionel M. Aviles, of Maryland, to be an Assistant Secretary of the Navy.

By Mr. WARNER for the Committee on Armed Services.

*Susan Morrisey Livingston, of Montana, to be Under Secretary of the Navy.

*Peter W. Rodman, of the District of Columbia, to be an Assistant Secretary of Defense.

*Thomas P. Christie, of Virginia, to be Director of Operational Test and Evaluation, Department of Defense.

*Diane K. Morales, of Texas, to be Deputy Under Secretary of Defense for Logistics and Materiel Readiness.

*William A. Navas, Jr., of Virginia, to be an Assistant Secretary of the Navy.

*Reginald Jude Brown, of Virginia, to be an Assistant Secretary of the Army.

*John J, Young, Jr., of Virginia, to be an Assistant Secretary of the Navy.

*Alberto Jose Mora, of Virginia, to be General Counsel of the Department of the Navy.

*Stephen A. Cambone, of Virginia, to be Deputy Under Secretary of Defense for Policy.

By Mr. LIEBERMAN for the Committee on Governmental Affairs.

*Kay Coles James, of Virginia, to be Director of the Office of Personnel Management.

*Othoneil Armendariz, of Texas, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2005.

*Nomination was reported with recommendation that it be confirmed subject to nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself and Mr. THOMPSON):

S. 1162. A bill to repeal the requirement relating to specific statutory authorization for increases in judicial salaries, to provide for automatic annual increases for judicial salaries, to provide for a 9.6 percent increase in judicial salaries, and for other purposes; to the Committee on the Judiciary.

By Mr. CORZINE (for himself, Mr. CARPER, and Mr. SCHUMER):

S. 1163. A bill to increase the mortgage loan limits under the National Housing Act for multifamily housing mortgage insurance; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. EDWARDS:

S. 1164. A bill to provide for the enhanced protection of the privacy of location information of users of location-based services and applications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BIDEN (for himself, Mr. KOHL, and Mr. REED):

S. 1165. A bill to prevent juvenile crime, promote accountability by and rehabilitation of juvenile crime, punish and deter violent gang crime, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. DEWINE):

S. 1166. A bill to establish the Next Generation Lighting Initiative at the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Mr. HAGEL):

S. 1167. A bill to amend the Immigration and Nationality Act to permit the substitution of an alternative close family sponsor in the case of the death of the person petitioning for an alien's admission to the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself, Mr. STEVENS, Mr. REID, Mr. CONRAD, Mr. HARKIN, Mr. DORGAN, and Mr. SARBANES):

S. Res. 126. A resolution expressing the sense of the Senate regarding observance of the Olympic Truce; to the Committee on Foreign Relations.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. BYRD, and Mr. THURMOND):

S. Res. 127. A resolution commending Gary Sisco for his service as Secretary of the Senate; considered and agreed to.

By Mr. TORRICELLI (for himself, Mr. CORZINE, Mr. KERRY, Mr. ALLEN, Mr. WELLSTONE, Mr. THOMAS, and Mr. BROWNBACK):

S. Res. 128. A resolution calling on the Government of the People's Republic of China to immediately and unconditionally release Li Shaomin and all other American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of Li Shaomin and the other detained scholars for their release, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 170

At the request of Mr. REID, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 252

At the request of Mr. VOINOVICH, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 252, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

S. 356

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 356, a bill to establish a National Commission on the Bicentennial of the Louisiana Purchase.

S. 358

At the request of Mr. BREAUX, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 358, a bill to amend the Social Security Act to establish a Medicare Prescription Drug and Supplemental Benefit Program and for other purposes.

S. 392

At the request of Mr. SARBANES, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 392, a bill to grant a Federal Charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 527

At the request of Mrs. HUTCHISON, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 527, a bill to amend the Internal Revenue Code of 1986 to exempt State and local political committees from duplicative notification and reporting requirements made applicable to political organizations by Public Law 106–230.

S. 654

At the request of Mr. TORRICELLI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 654, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 694

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 694, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 706

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 706, a bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 721

At the request of Mr. HUTCHINSON, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 742

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 742, a bill to provide for pension reform, and for other purposes.

S. 744

At the request of Mrs. HUTCHISON, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 744, a bill to amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law.

S. 778

At the request of Mr. HAGEL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 778, a bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings.

At the request of Mr. EDWARDS, his name was added as a cosponsor of S. 778, supra.

S. 805

At the request of Mr. WELLSTONE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 805, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 834

At the request of Mr. MURKOWSKI, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 834, a bill to provide duty-free treatment for certain steam or other vapor generating boilers used in nuclear facilities.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

S. 838

At the request of Mr. DODD, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 838, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

S. 866

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 866, a bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States.

S. 870

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for public-private partnerships in financing of highway, mass transit, high

speed rail, and intermodal transfer facilities projects, and for other purposes.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 917

At the request of Ms. COLLINS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 937

At the request of Mr. CLELAND, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 937, a bill to amend title 38, United States Code, to permit the transfer of entitlement to educational assistance the Montgomery GI Bill by members of the Armed Forces, and for other purposes.

S. 972

At the request of Mr. MURKOWSKI, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 972, a bill to amend the Internal Revenue Code of 1986 to improve electric reliability, enhance transmission infrastructure, and to facilitate access to the electric transmission grid.

S. 979

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 979, a bill to amend United States trade laws to address more effectively import crises, and for other purposes.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1018

At the request of Mr. LEVIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1018, a bill to provide market loss assistance for apple producers.

S. 1021

At the request of Mr. LUGAR, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1021, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004.

S. 1098

At the request of Mr. SMITH of Oregon, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1098, a bill to amend the Food Stamp Act of 1977 to improve food stamp informational activities in those States with the greatest rate of hunger.

S. 1140

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. CON. RES. 53

At the request of Mr. HAGEL, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Con. Res. 53, concurrent resolution encouraging the development of strategies to reduce hunger and poverty, and to promote free market economies and democratic institutions, in sub-Saharan Africa.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. THOMPSON):

S. 1162. A bill to repeal the requirement relating to specific statutory authorization for increases in judicial salaries, to provide for automatic annual increases for judicial salaries, to provide for a 9.6 percent increase in judicial salaries, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise, along with Senator THOMPSON, to introduce legislation to restore pay equity for our Federal judges. This legislation would guarantee judges automatic and annual cost-of-living adjustments, COLAs, just like other rank-and-file Federal employees.

In addition, the legislation would end a decade of Federal judicial salary neglect by giving judges a one-time salary increase of 9.6 percent. In the past decade, Congress has denied COLAs for judges in four separate years, in 1994, 1995, 1996, and 1998. This bill would restore to Federal justices the four COLAs they have lost.

In his year-end report on the state of the Federal Judiciary, Chief Justice William Rehnquist called the ''the need to increase judicial salaries'' the most pressing issue facing the Federal judiciary.

Simply put, while government service offers its own rewards, we should not create financial disincentives to service on the Federal bench.

Federal judges bear enormous responsibility as they preside over the most pressing legal issues. Often, they must render life-or-death decisions or preside over cases with millions of dollars at stake. For this vitally important work, they deserve appropriate compensation.

Recently, Congress took some action to restore equity in Federal salaries by doubling the salary of the President of the United States from $200,000 to $400,000.

Congress should now consider an appropriate pay adjustment for the Federal judiciary. As of January 2001, Federal district judges receive an annual salary of $145,000. If judges had received the COLAs to which they were entitled, a Federal District judge's salary would actually be $164,700, nearly $20,000 higher.

Now, $145,000 is a lot more money than the salary of a typical worker but it is not so high when you compare it to equivalent positions of authority in the private sector. For example, the average partner in a major national law firm earns well over $500,000 per year.

It is even more striking to note that major national law firms are offering first-year associates salaries topping $125,000 a year. With bonuses, some of these newly minted lawyers are earning more than appellate judges.

The bottom line is that we cannot expect to keep our country's best lawyers interested in serving on the Federal bench if we continue to denigrate the salary of the post. Just since 1993, the salary of Federal judges, adjusted for inflation, has declined by 13 percent.

Not surprisingly, more and more judges are leaving the Federal bench. Between 1991 and 2000, 52 Federal judges resigned their seats, many of them for the purposes of returning to private practice. These 52 judges represent 40 percent of the 125 Federal judges who have left the bench since 1965.

Attorneys should not expect to become wealthy through an appointment as a Federal judge. Neither should judges expect to have their salaries eroded by Congress' failure to give them Cost-of-Living Adjustments.

Preserving judicial salaries is vital to maintaining the high quality of our Federal judiciary. I look forward to working with my colleagues in the Senate to restore fairness to judicial compensation.

By Mr. CORZINE (for himself, Mr. CARPER, and Mr. SCHUMER):

S. 1163. A bill to increase the mortgage loan limits under the National Housing Act for multifamily housing mortgage insurance; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CORZINE. Mr. President, I am pleased to join with my distinguished colleague, Senator CARPER, in introducing legislation, the FHA Multifamily Housing Loan Limit Adjustment Act, that would improve access to affordable housing.

Our Nation currently faces a critical housing shortage. A report released recently by the Center for Housing Policy, ''Housing America's Working Families,'' documented the overwhelming need for affordable housing. The report indicates that in 1997, nearly 14 million families had a critical housing need, meaning they either lived in substandard housing conditions or spent

more than half their monthly income on the cost of housing. The FHA Multifamily Housing Loan Limit Adjustment Act would provide America's working families with increased access to affordable rental housing.

The bill is simple, it increases by 25 percent the statutory limits for multifamily project loans that can be insured by the FHA. This increase reflects the increased costs associated with the production of multifamily units since 1992, when these limits were last revised. The bill also would index the loan limits for inflation and increases to the Annual Construction Cost Index, which is published by the Census Bureau.

Rising construction costs have resulted in a shortage of moderately priced affordable rental units. Rent increases now exceed inflation in all regions of the country, and new affordable rental units have become increasingly harder to find. Because of the current dollar limits on loans, FHA insurance cannot be used to help finance construction in high-cost urban areas such as the New York/New Jersey metropolitan area, Philadelphia and San Francisco.

By increasing the limits on loans for rental housing we will create more incentives for public/private investment in communities through America and spur the new production of cooperative housing projects, rental housing for the elderly, and new construction or substantial rehabilitation of apartments by for- and non-profit entities.

Late last year, Congress sought, through a number of initiatives, to implement programs aimed at increasing the production of affordable housing for the millions of Americans who currently face critical housing needs. For example, we expanded the Low Income Housing Tax Credit, the one Federal program designed to produce new housing. We also increased the supply of housing vouchers. However, these programs were targeted largely at families with very low incomes. Currently, there are no programs designed specifically to provide access to affordable rental housing for America's working middle class, the people who serve as the engine of our nation's economy. Far too many of these individuals, including vital municipal workers like teachers, nurses and police officers, are struggling to gain access to affordable housing even remotely near where they work.

Without this much-needed adjustment to the FHA multifamily loan limits, access to affordable housing for our working-citizens will continue to lag, thousands of more families will join the 14 million people who currently face severe housing needs and our nation's economy will suffer.

This bill is modeled after bipartisan legislation introduced in the House by my colleague from New Jersey, Congresswoman MARGE ROUKEMA, and Congressman BARNEY FRANK of Massachusetts. The bill is supported by housing and community advocates and has also been endorsed by the National Association of Home Builders, the National Association of Realtors, and the Mortgage Bankers Association.

I hope my Senate colleagues will support the legislation and help us ensure that America's working families have access to affordable housing.

Mr. CARPER. Mr. President, I am very pleased to join today with my distinguished colleague from new Jersey to introduce the FHA Multifamily Housing Mortgage Loan Limit Adjustment Act of 2001.

A recent report published by the National Housing Conference's Center for Housing Policy found that in 1997, nearly 14 million families either lived in substandard housing or spent more than half of their monthly income on housing costs. This affordable housing shortage also comes at a time of limited resources. Thus, we have to find the best use of each dollar at our disposal, as well as the most effective use of existing Federal programs to stimulate new production and substantial rehabilitation.

The Federal Housing Administration's, FHA, multifamily mortgage insurance is an important financing device for housing production. Unfortunately, production through this public/private partnership has been low in recent years. One of the reasons for FHA's absence from the rental housing market is that the multifamily loan limits have not been increased since 1992. While the annual Construction Cost Index, published by the Census Bureau, has increased over 23 percent since 1992, FHA's multifamily loan limits have remained static.

These rising construction costs have contributed to FHA's inability to be a significant participant in the production of multifamily housing. Increasing these loan limits by 25 percent, as this legislation does, is something Congress can do today to address immediately the shortage is affordable rental housing. This bill modifies a current federal program, FHA multifamily insurance, to make that program more effective. Importantly, this legislation also indexes the loan limits to the Annual Construction Cost Index.

I ask my colleagues to join with Senator CORZINE and me to increase these multifamily loan limits so that more working families will have access to affordable rental housing.

By Mr. EDWARDS:

S. 1164. A bill to provide for the enhanced protection of the privacy of location information of users of location-based services and applications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. EDWARDS. Mr. President, I rise today to introduce much-needed legislation to protect the privacy of consumers who use technologies that can pinpoint their location. Under my bill, the Location Privacy Protection Act, any company that monitors consumers' physical location will be prohibited from using or disclosing that information without express permission from the consumer. And third parties that gain access to the information cannot use or disclose it without the individual's permission first.

Within the next few years, new technologies will allow companies to know our location any time of day or night. Our cell phones, pagers, cars, palm pilots and other devices will enable companies to constantly track where we go and how often we go there. These services can have enormous advantages. For example, public safety and rescue teams can save lives with systems that enable them to quickly locate crash victims. Imagine being able to ask your cell phone for directions to the nearest Italian restaurant. Or imagine you are traveling in a new city and your pager alerts you when you are within a block of your favorite coffee shop, which happens to be running a sale on coffee. The possibilities for location-based services and application are endless.

But these new technologies also raise serious privacy issues. Location information is very private, sensitive information that can be misused to harass consumers with unwanted solicitations or to draw inaccurate or embarrassing inferences about them. And in extreme cases, improper disclosure of location information to a domestic abuser or stalker could place a person in physical danger.

The wireless industry is unique in that it has worked with Congress to guarantee some privacy protections in the law, and it should be commended for recognizing the sensitivity of location information. However, although these laws are a good first step, we need to build on them and strengthen them. For example, although under the law customers must give their permission before wireless carriers can use or disclose their location information, the law does not require carriers to clearly notify consumers about how their location information will be used if they do grant their permission. Consumers also have no control over what happens to their information once third parties gain access to it. These parties are free to share it with anyone they please. And shockingly, there are no laws that protect the privacy of users of new technologies like telematics, services that allow drivers to get directions at the push of a button in their cars, and global positioning systems.

My legislation puts control over location information in the hands of the consumer. It requires the FCC to issue new regulations prohibiting all providers of location-based services and applications from collecting, using, disclosing, or retaining location information without the customer's permission first. And customers must be given clear and conspicuous notice about what the company is going to do

with their location information. Customers also will have the right to ensure the accuracy of the information that is collected and companies will be required to keep that information safe from unauthorized access.

Third parties will not be able to use or disclose location information without prior authorization from the customer. In this regard, my bill makes an exception if the third party is an emergency service. I believe that the FCC must be very careful not to interfere with the laws that have been carefully crafted to allow emergency medical rescue teams, public safety, fire services, hospital emergency facilities and other emergency services to respond to the user's call for help. These laws are critical to saving lives and I believe we should do everything we can to make sure they work.

I would also like to point out that while my bill requires that the FCC rules not interfere with the ability of law enforcement to obtain location information pursuant to an appropriate court order, it does not provide the FCC with extraordinary authority to control when law enforcement can and cannot gain access to location information. Although I have concerns about unnecessary and surreptitious government surveillance, I believe that this issue is best addressed either separately, or at a later date. The purpose of my bill is primarily to lay down guidelines for when private persons, such as businesses, are able to use and disclose consumers' location information.

The law needs to be strengthened, and we have the opportunity to do so while these location-based technologies are in their infancy. We have a unique opportunity to give consumers power over their location information before its commercial value becomes so great that it is impossible for consumers to prevent the buying and selling of this very personal information.

In sum, I believe the Location Privacy Protection Act is a common sense measure offered at an ideal time. I know that wireless carriers and many companies such as OnStar, ATX, Qualcomm and others care deeply about privacy. I applaud them for their efforts and I look forward to continuing working with them on this issue.

I ask unanimous consent that the text bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Location Privacy Protection Act of 2001''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Location-based services and applications allow customers to receive services based on their geographic location, position, or known presence. Telematics devices, for instance, permit subscribers in vehicles to obtain emergency road assistance, driving directions, or other information with the push of a button. Other devices, such as those with Internet access, support position commerce in which notification of points of interest or promotions can be provided to customers based on their known presence or geographic location.

(2) There is a substantial Federal interest in safeguarding the privacy right of customers of location-based services or applications to control the collection, use, retention of, disclosure of, and access to their location information. Location information is nonpublic information that can be misused to commit fraud, to harass consumers with unwanted messages, to draw embarrassing or inaccurate inferences about them, or to discriminate against them. Improper disclosure of or access to location information could also place a person in physical danger. For example, location information could be misused by stalkers or by domestic abusers.

(3) The collection or retention of unnecessary location information magnifies the risk of its misuse or improper disclosure.

(4) Congress has recognized the right to privacy of location information by classifying location information as customer proprietary network information subject to section 222 of the Communications Act of 1934 (47 U.S.C. 222), thereby preventing use or disclosure of that information without a customer's express prior authorization.

(5) There is a substantial Federal interest in promoting fair competition in the provision of wireless services and in ensuring the consumer confidence necessary to ensure continued growth in the use of wireless services. These goals can be attained by establishing a set of privacy rules that apply to wireless location information, regardless of technology, and to all entities and services that generate or receive access to such information.

(6) It is in the public interest that the Federal Communications Commission establish comprehensive rules to protect the privacy of customers of location-based services and applications and thereby enable customers to realize more fully the benefits of location services and applications.

SEC. 3. PROTECTION OF LOCATION INFORMATION PRIVACY.

(a) RULEMAKING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Federal Communications Commission shall complete a rulemaking proceeding for purposes of further protecting the privacy of location information.

(b) ELEMENTS.—

(1) IN GENERAL.—Subject to the provisions of paragraph (2), the rules prescribed by the Commission under subsection (a) shall—

(A) require providers of location-based services and applications to inform customers, with clear and conspicuous notice, about their policies on the collection, use, disclosure of, retention of, and access to customer location information;

(B) require providers of location-based services and applications to obtain a customer's express authorization before—

(i) collecting, using, or retaining the customer's location information; or

(ii) disclosing or permitting access to the customer's location information to any person who is not a party to, or who is not necessary to the performance of, the service contract between the customer and such provider;

(C) require that all providers of location-based services or applications—

(i) restrict any collection, use, disclosure of, retention of, and access to customer location information to the specific purpose that is the subject of the express authorization of the customer concerned; and

(ii) not subsequently release a customer's location information for any purpose beyond the purpose for which the customer provided express authorization;

(D) ensure the security and integrity of location data, and give customers reasonable access to their location data for purposes of verifying the accuracy of, or deleting, such data;

(E) be technology neutral to ensure uniform privacy rules and expectations and provide the framework for fair competition among similar services;

(F) require that aggregated location information not be disaggregated through any means into individual location information for any commercial purpose; and

(G) not impede customers from readily utilizing location-based services or applications.

(2) PERMITTED USES.—The rules prescribed under subsection (a) may permit the collection, use, retention, disclosure of, or access to a customer's location information without prior notice or consent to the extent necessary to—

(A) provide the service from which such information is derived, or to provide the location-based service that the customer is accessing;

(B) initiate, render, bill, and collect for the location-based service or application;

(C) protect the rights or property of the provider of the location-based service or application, or protect customers of the service or application from fraudulent, abusive, or unlawful use of, or subscription to, the service or application;

(D) produce aggregate location information; and

(E) comply with an appropriate court order.

(3) ADDITIONAL REQUIREMENT.—Under the rules prescribed under subsection (a), any third party receiving, or receiving access to, a customer's location information from a provider of location services or applications pursuant to the express authorization of the customer, shall not disclose or permit access to such information to any other person without the express authorization of the customer.

(4) EXPRESS AUTHORIZATION.—

(A) FORM.—For purposes of the rules prescribed under subsection (a) and section 222(f) of the Communications Act of 1934 (47 U.S.C. 222(f)), the Commission shall specify the appropriate methods, whether technological or otherwise, by which a customer may provide express prior authorization. Such methods may include a written or electronically signed service agreement or other contractual instrument.

(B) MODIFICATION OR REVOCATION.—Under the rules prescribed under subsection (a), a customer shall have the power to modify or revoke at any time an express authorization given by the customer under the rules.

(c) APPLICATION OF RULES.—The rules prescribed by the Commission under subsection (a) shall apply to any person that provides a location-based service or application, whether or not such person is also a provider of commercial mobile service (as that term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

(d) RELATIONSHIP TO WIRELESS COMMUNICATIONS AND PUBLIC SAFETY ACT OF 1999.—The rules prescribed by the Commission under subsection (a) shall be consistent with the amendments to section 222 of the Communications Act of 1934 (47 U.S.C. 222) made by section 5 of the Wireless Communications and Public Safety Act of 1999 (Public Law

106–81; 113 Stat. 1288), including the provisions of section 222(d)(4) of the Communications Act of 1934, as so amended, permitting use, disclosure, and access to location information by public safety, fire services, and other emergency services providers for purposes specified in subparagraphs (A), (B), and (C) of such section 222(d)(4).

(e) STATE AND LOCAL REQUIREMENTS.—

(1) IN GENERAL.—No State or local government may adopt or enforce any law, regulation, or other legal requirement addressing the privacy of wireless location information that is inconsistent with the rules prescribed by the Commission under subsection (a).

(2) PREEMPTION.—Any law, regulation, or requirement referred to in paragraph (1) that is in effect on the date of the enactment of this Act shall be preempted and superseded as of the effective date of the rules prescribed by the Commission under subsection (a).

(f) DEFINITIONS.—In this section:

(1) AGGREGATE LOCATION INFORMATION.—The term ''aggregate location information'' means a collection of location data relating to a group or category of customers from which individual customer identities have been removed.

(2) CUSTOMER.—The term ''customer'', in the case of the provision of a location-based service or application with respect to a device, means the person entering into the contract or agreement with the provider of the location-based service or application for provision of the location-based service or application for the device.

By Mr. BIDEN (for himself, Mr. KOHL, and Mr. REED):

S. 1165. A bill to prevent juvenile crime, promote accountability by and rehabilitation of juvenile crime, punish and deter violent gang crime, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce, along with Senator KOHL and Senator REED, the Juvenile Crime Prevention and Control Act of 2001. This is a balanced bill that recognizes the need to get tough on juvenile crime and violence, attempts to break the dangerous link between kids and guns, and, most importantly, puts the Federal Government firmly behind the proposition that preventing juvenile violence is the most effective crime fighting measure any of us could craft.

Before I discuss the specifics of the bill, let me give a brief overview of the current state of juvenile crime in America. Juvenile crime, like almost all other categories of crime, is down. Last December, the FBI released statistics that show the homicide arrest rate for juveniles down 68 percent from its 1993 peak. We are now experiencing the lowest rate of juvenile homicide arrests since 1966. Between 1994 and 1999, the arrest rate of juveniles for violent crimes, murder, rape, robbery, and aggravated assault, dropped 36 percent.

These statistics have not eased public concern about the scope and nature of juvenile crime. One 1998 poll showed that 62 percent of those asked believed juvenile crime was increasing. A poll conducted in 1999 revealed that 71 percent thought it likely that a shooting could occur in a school in their community. In the face of these popular perceptions, the Education Department reports that American children face a one in 2 million chance of being killed in their school.

Why the disparity? There are several reasons, in my opinion. First, and probably most importantly, while arrests of juveniles are unquestionably down, juvenile crime is still too high. The incidence of the most common crime committed by juveniles, property offenses, changed little throughout the last two decades. The rate of juvenile violent crime arrests has not yet returned to its 1988 level.

Second, and this cannot be understated, too many of our kids have access to guns, and those guns are finding their way into our Nation's schools at an alarming rate. A report released last year by the Education Department revealed that over 3,500 students were expelled in 1998 and 1999 for bringing guns to school, that's an average of 88 kids per week. The juvenile arrest rate for weapons crimes fell 39 percent from 1993 to 1999, but it too has not yet returned to 1988's low point.

Third, the American people understand that crime cannot stay down forever. I like to say that fighting crime is like mowing the grass, If you don't keep at it, it's going to come back up. We have good, demographic reasons to think this is particularly true in the case of juvenile crime. Today, there are approximately 39 million children younger than age 10. These kids, the children of the baby boom generation, stand on the edge of their teen years, the years when every reliable study reveals they are most at-risk of turning to drugs and crime.

What does this mean for juvenile crime? Even if we do everything right, even if we fund programs that work, put incorrigible juveniles behind bars, crack down on gun crimes, the demographic inevitability of this so-called ''baby boomerang'' means there is likely to be a 20 percent increase in juvenile murders by 2005. Such a jump would increase the overall murder rate by 5 percent. Our challenge is to make sure that does not happen.

We need to take another look at the Juvenile Justice and Delinquency Prevention Act of 1974. That Act expired on September 30, 1996, and, despite the good efforts of several Congresses, Members on both sides of the aisle, and the prior Administration, it has not been reauthorized. We should get that job done in the 107th Congress. The bill I introduce today includes provisions to reauthorize the Act, to fine tune some of its grant provisions, and to make some common sense changes to our firearms laws, changes that respect the rights of gun owners.

My bill reauthorizes the Community Prevention Grant Program, commonly known as Title V. It funds this critical juvenile crime prevention initiative at $250,000,000 per year for the next six years and mandates that no State would receive less than $200,000 in annual prevention grants. These funding levels would more than double juvenile crime prevention funding, enough resources for localities to implement a comprehensive delinquency prevention strategy and then fund smart prevention programs that work. In Delaware, Title V funds have been used to sponsor programs to reduce school violence, provide transition counseling to students returning to their local school from alternative school placement, reduce suspensions, expulsions, truancy, and teen pregnancy, and provide services to the children of incarcerated adult offenders. Prevention is the key to keeping our juvenile crime rate down, and we need to extend Title V to guarantee that these funds continue to flow to States and localities.

The bill also reauthorizes the Formula Grant Program for the next six years at $200,000,000 per year. I have included provisions to expand the permissible uses of these funds so as to make clear that employment training, mental health treatment, and other effective programs that meet the needs of children and youth in the juvenile system could be funded. The bill reauthorizes gang prevention programs and emphasizes the disruption and prosecution of gangs. It extends the juvenile justice mentoring program, and adds a pilot program to encourage and develop mentoring initiatives that focus on entire families. The bill also includes funds for grants to States to upgrade and enhance their juvenile felony criminal record histories.

My bill includes important provisions to continue the core protections for incarcerated youths that were included in the original Juvenile Justice and Delinquency Prevention Act of 1974. It continues the Act's function of protecting children from abuse and assault by adults in jails by prohibiting any contact between juveniles and adult inmates. The bill ensures that children are not detained in any jail or lockup for adults, except for very limited periods of time and under very limited circumstances. And it continues current law's requirement that States address the disproportionate number of minority children in confinement.

The bill authorizes $500,000,000 per year over the next six years for the Juvenile Accountability Block Grant program. Funded for the past three fiscal years, this program has never been authorized. Its purpose is to strengthen State juvenile justice systems. States would receive funds as long as they implement or consider implementing graduated sanctions, though this condition can be met through a reporting requirement. The language I have included in my bill is drawn from H.R. 863, a measure which is currently working its way through the other body. I am supportive of that measure, as it will provide much needed funds for States to hire additional prosecutors, juvenile court judges, probation officers, and court-appointed defenders and special advocates. In years past, my State has used these funds to establish

a Serious Juvenile Offender program through the Delaware Division of Youth Rehabilitative Services, which provides an immediate secure placement of violent youth offenders who have violated the terms of their probation. Delaware has also used these funds to expand diversionary programs such as Teen Court and Drug Court, thus reducing the time between arrest and disposition of juvenile offenders, and to add psycho-forensic evaluators in the Delaware Office of the Public Defender to identify and address mental illness as a cause for delinquent conduct. This is a good program and it needs to be authorized.

My bill also reauthorizes the Violent Crime Reduction Trust Fund. The Trust Fund, created in the 1994 Crime Bill, has been the key to our successful fight against crime over the past several years. Unfortunately, it expired in 2000. The Violent Crime Reduction Trust Fund was the vehicle for providing billions of dollars to State and local governments to implement a variety of law enforcement and crime-fighting initiative, from the COPS program to the Violence Against Women Act to youth violence programs. Without the Trust Fund, I fear we may not have the resources necessary to continue our struggle to keep our streets safe. I am pleased to include provisions in this bill that will extend the Fund through fiscal year 2007.

Finally, the bill I am introducing today includes several common sense gun safety provisions. First, it incorporates Senator REED's Gun Show Background Check Act. This language will ensure that criminals cannot purchase guns at gun shows, and I applaud Senator REED for his leadership in this area. Second, I have included Senator KOHL's Child Safety Lock Act. This moderate provision would require handguns to be sold with government-certified trigger locks. Studies indicate trigger locks save lives; I was pleased to see the Administration's endorsement of this idea in its budget request for the upcoming fiscal year; and I thank Senator KOHL for including his bill in this larger measure today. Third, the bill would extend the Brady Law to dangerous juvenile offenders. This provision would make it unlawful for any person adjudicated a juvenile delinquent for serious drug offenses or violent felonies to possess firearms. This is an important step toward getting guns out of the hands of criminals, and its enactment will prevent violent juveniles from accessing weapons and thus make it difficult for them to commit gun crimes as adults.

This is not a perfect bill, and I am not wedded to each and every line. I welcome comments from my colleagues, the juvenile justice community, and anyone interested in preventing and controlling juvenile crime. I am committed, however, to renewing our efforts to keep our children and our communities safe from crime and violence. I am committed to protecting our kids through meaningful prevention and intervention programs, to cracking down on drugs and the violence that accompanies them, and to ensuring that meaningful, appropriate and swift punishment is imposed on all juvenile offenders. I believe the Juvenile Crime Prevention and Control Act that I introduce today is an important step toward accomplishing these goals.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Juvenile Crime Prevention and Control Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—JUVENILE CRIME PREVENTION AND CONTROL

SEC. 101. FINDINGS; DECLARATION OF PURPOSE; DEFINITIONS.

Title I of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended to read as follows:

''TITLE I—FINDINGS AND DECLARATION OF PURPOSE

''SEC. 101. FINDINGS.

''Congress finds that—

''(1) the juvenile crime problem should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

''(A) quality prevention programs that—

''(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether juveniles have ever been the victims of family violence (including child abuse and neglect); and

''(ii) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

''(B) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts; and

''(2) action is required now to reform the Federal juvenile justice program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts.

''SEC. 102. PURPOSES.

''The purposes of this Act are—

''(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

''(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

''(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.

''SEC. 103. DEFINITIONS.

''In this Act:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Office of Juvenile Crime Control and Prevention, appointed in accordance with section 201.

''(2) ADULT INMATE.—The term 'adult inmate' means an individual who—

''(A) has reached the age of full criminal responsibility under applicable State law; and

''(B) has been arrested and is in custody for, awaiting trial on, or convicted of criminal charges.

''(3) BUREAU OF JUSTICE ASSISTANCE.—The term 'Bureau of Justice Assistance' means the bureau established by section 401 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741).

''(4) BUREAU OF JUSTICE STATISTICS.—The term 'Bureau of Justice Statistics' means the bureau established by section 302(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732(a)).

''(5) COLLOCATED FACILITIES.—The term 'collocated facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds.

''(6) COMBINATION.—The term 'combination' as applied to States or units of local government means any grouping or joining together of States or units of local government for the purpose of preparing, developing, or implementing a juvenile crime control and delinquency prevention plan.

''(7) COMMUNITY-BASED.—The term 'community-based' facility, program, or service means a small, open group home or other suitable place located near the home or family of the juvenile and programs of community supervision and service that maintain community and consumer participation in the planning, operation, and evaluation of those programs which may include, medical, educational, vocational, social, and psychological guidance, training, special education, counseling, alcoholism treatment, drug treatment, and other rehabilitative services.

''(8) COMPREHENSIVE AND COORDINATED SYSTEM OF SERVICES.—The term 'comprehensive and coordinated system of services' means a system that—

''(A) ensures that services and funding for the prevention and treatment of juvenile delinquency are consistent with policy goals of

preserving families and providing appropriate services in the least restrictive environment so as to simultaneously protect juveniles and maintain public safety;

''(B) identifies, and intervenes early for the benefit of, young children who are at risk of developing emotional or behavioral problems because of physical or mental stress or abuse, and for the benefit of their families;

''(C) increases interagency collaboration and family involvement in the prevention and treatment of juvenile delinquency; and

''(D) encourages private and public partnerships in the delivery of services for the prevention and treatment of juvenile delinquency.

''(9) CONSTRUCTION.—The term 'construction' means erection of new buildings or acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for buildings).

''(10) FEDERAL JUVENILE CRIME CONTROL, PREVENTION, AND JUVENILE OFFENDER ACCOUNTABILITY PROGRAM.—The term 'Federal juvenile crime control, prevention, and juvenile offender accountability program' means any Federal program a primary objective of which is the prevention of juvenile crime or reduction of the incidence of arrest, the commission of criminal acts or acts of delinquency, violence, the use of alcohol or illegal drugs, or the involvement in gangs among juveniles.

''(11) GENDER-SPECIFIC SERVICES.—The term 'gender-specific services' means services designed to address needs unique to the gender of the individual to whom such services are provided.

''(12) GRADUATED SANCTIONS.—The term 'graduated sanctions' means an accountability-based juvenile justice system that protects the public, and holds juvenile delinquents accountable for acts of delinquency by providing substantial and appropriate sanctions that are graduated in such a manner as to reflect (for each act of delinquency or offense) the severity or repeated nature of that act or offense, and in which there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender.

''(13) HOME-BASED ALTERNATIVE SERVICES.—The term 'home-based alternative services' means services provided to a juvenile in the home of the juvenile as an alternative to incarcerating the juvenile, and includes home detention.

''(14) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(15) JUVENILE.—The term 'juvenile' means a person who has not attained the age of 18 years and who is subject to delinquency proceedings under applicable State law.

''(16) JUVENILE POPULATION.—The term 'juvenile population' means the population of a State under 18 years of age.

''(17) JAIL OR LOCKUP FOR ADULTS.—The term 'jail or lockup for adults' means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

''(A) pending the filing of a charge of violating a criminal law;

''(B) who are awaiting trial on a criminal charge; or

''(C) who are convicted of violating a criminal law.

''(18) JUVENILE DELINQUENCY PROGRAM.—The term 'juvenile delinquency program' means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including—

''(A) drug and alcohol abuse programs;

''(B) any program or activity that is designed to improve the juvenile justice system; and

''(C) any program or activity that is designed to reduce known risk factors for juvenile delinquent behavior, by providing activities that build on protective factors for, and develop competencies in, juveniles to prevent and reduce the rate of juvenile delinquent behavior.

''(19) LAW ENFORCEMENT AND CRIMINAL JUSTICE.—The term 'law enforcement and criminal justice' means any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

''(20) NATIONAL INSTITUTE OF JUSTICE.—The term 'National Institute of Justice' means the institute established by section 201 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3721).

''(21) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

''(22) OFFICE.—The term 'Office' means the Office of Juvenile Crime Control and Prevention established under section 201.

''(23) OFFICE OF JUSTICE PROGRAMS.—The term 'Office of Justice Programs' means the office established by section 101 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711).

''(24) OUTCOME OBJECTIVE.—The term 'outcome objective' means an objective that relates to the impact of a program or initiative, that measures the reduction of high risk behaviors, such as incidence of arrest, the commission of criminal acts or acts of delinquency, failure in school, violence, the use of alcohol or illegal drugs, involvement in youth gangs, violent and unlawful acts of animal cruelty, and teenage pregnancy, among youth in the community.

''(25) PROCESS OBJECTIVE.—The term 'process objective' means an objective that relates to the manner in which a program or initiative is carried out, including—

''(A) an objective relating to the degree to which the program or initiative is reaching the target population; and

''(B) an objective relating to the degree to which the program or initiative addresses known risk factors for youth problem behaviors and incorporates activities that inhibit the behaviors and that build on protective factors for youth.

''(26) PROHIBITED PHYSICAL CONTACT.—The term 'prohibited physical contact' means—

''(A) any physical contact between a juvenile and an adult inmate; and

''(B) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate.

''(27) RELATED COMPLEX OF BUILDINGS.—The term 'related complex of buildings' means 2 or more buildings that share—

''(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

''(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28, Code of Federal Regulations, as in effect on December 10, 1996.

''(28) SECURE CORRECTIONAL FACILITY.—The term 'secure correctional facility' means any public or private residential facility that—

''(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

''(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense.

''(29) SECURE DETENTION FACILITY.—The term 'secure detention facility' means any public or private residential facility that—

''(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

''(B) is used for the temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense.

''(30) SERIOUS CRIME.—The term 'serious crime' means criminal homicide, rape or other sex offenses punishable as a felony, mayhem, kidnapping, aggravated assault, drug trafficking, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony.

''(31) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(32) STATE OFFICE.—The term 'State office' means an office designated by the chief executive officer of a State to carry out this title, as provided in section 507 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757).

''(33) SUSTAINED ORAL AND VISUAL CONTACT.—The term 'sustained oral and visual contact' means the imparting or interchange of speech by or between an adult inmate and a juvenile, or clear visual contact between an adult inmate and a juvenile in close proximity.

''(34) TREATMENT.—The term 'treatment' includes medical and other rehabilitative services designed to protect the public, including any services designed to benefit addicts and other users by—

''(A) eliminating their dependence on alcohol or other addictive or nonaddictive drugs; or

''(B) controlling or reducing their dependence and susceptibility to addiction or use.

''(35) UNIT OF LOCAL GOVERNMENT.—The term 'unit of local government' means—

''(A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State;

''(B) any law enforcement district or judicial enforcement district that—

''(i) is established under applicable State law; and

''(ii) has the authority to, in a manner independent of other State entities, establish a budget and raise revenues;

''(C) an Indian tribe that performs law enforcement functions, as determined by the Secretary of the Interior; or

''(D) for the purposes of assistance eligibility, any agency of the government of the District of Columbia or the Federal Government that performs law enforcement functions in and for—

''(i) the District of Columbia; or

''(ii) any Trust Territory of the United States.

''(36) VALID COURT ORDER.—The term 'valid court order' means a court order given by a juvenile court judge to a juvenile—

''(A) who was brought before the court and made subject to the order; and

''(B) who received, before the issuance of the order, the full due process rights guaranteed to that juvenile by the Constitution of the United States.

''(37) VIOLENT CRIME.—The term 'violent crime' means—

''(A) murder or nonnegligent manslaughter, forcible rape, or robbery; and

''(B) aggravated assault committed with the use of a firearm.

''(38) YOUTH.—The term 'youth' means an individual who is not less than 6 years of age and not more than 17 years of age.''.

SEC. 102. JUVENILE CRIME CONTROL AND PREVENTION.

(a) IN GENERAL.—Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended to read as follows:

''TITLE II—JUVENILE CRIME PREVENTION AND CONTROL

''PART A—OFFICE OF JUVENILE CRIME CONTROL AND PREVENTION

''SEC. 201. ESTABLISHMENT OF OFFICE.

''(a) IN GENERAL.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of Juvenile Crime Control and Prevention.

''(b) ADMINISTRATOR.—

''(1) IN GENERAL.—The Office shall be headed by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who have had experience in juvenile delinquency prevention and crime control programs.

''(2) REGULATIONS.—The Administrator may prescribe regulations consistent with this Act to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, amounts made available under this title.

''(3) RELATIONSHIP TO ATTORNEY GENERAL.—The Administrator shall have the same reporting relationship with the Attorney General as the directors of other offices and bureaus within the Office of Justice Programs have with the Attorney General.

''(c) DEPUTY ADMINISTRATOR.—There shall be in the Office a Deputy Administrator, who shall—

''(1) be appointed by the Attorney General; and

''(2) perform such functions as the Administrator may assign or delegate and shall act as the Administrator during the absence or disability of the Administrator.

''(d) ASSOCIATE ADMINISTRATOR.—

''(1) IN GENERAL.—There shall be in the Office an Associate Administrator, who shall be appointed by the Administrator, and whose position shall be treated as a career reserved position within the meaning of section 3132 of title 5, United States Code.

''(2) DUTIES.—The duties of the Associate Administrator shall include informing Congress, other Federal agencies, outside organizations, and State and local government officials about activities carried out by the Office.

''(e) DELEGATION AND ASSIGNMENT.—

''(1) IN GENERAL.—Except as otherwise expressly prohibited by law or otherwise provided by this title, the Administrator may—

''(A) delegate any of the functions of the Administrator, and any function transferred or granted to the Administrator after the date of enactment of the Juvenile Crime Prevention and Control Act of 2001, to such officers and employees of the Office as the Administrator may designate; and

''(B) authorize successive redelegations of such functions as may be necessary or appropriate.

''(2) RESPONSIBILITY.—No delegation of functions by the Administrator under this subsection or under any other provision of this title shall relieve the Administrator of responsibility for the administration of such functions.

''(f) REORGANIZATION.—The Administrator may allocate or reallocate any function transferred among the officers of the Office, and establish, consolidate, alter, or discontinue such organizational entities in that Office as may be necessary or appropriate.

''SEC. 202. PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS.

''(a) IN GENERAL.—The Administrator may select, employ, and fix the compensation of officers and employees, including attorneys, who are necessary to perform the functions vested in the Administrator and to prescribe the functions of those officers and employees.

''(b) OFFICERS.—The Administrator may select, appoint, and employ not to exceed 4 officers and to fix the compensation of those officers at rates not to exceed the maximum rate payable under section 5376 of title 5, United States Code.

''(c) DETAIL OF FEDERAL PERSONNEL.—Upon the request of the Administrator, the head of any Federal agency may detail, on a reimbursable basis, any of its personnel to the Administrator to assist the Administrator in carrying out the functions of the Administrator under this title.

''(d) SERVICES.—The Administrator may obtain services as authorized by section 3109 of title 5, United States Code, at rates not to exceed the rate now or hereafter payable under section 5376 of title 5, United States Code.

''SEC. 203. NATIONAL PROGRAM.

''(a) NATIONAL JUVENILE CRIME CONTROL, PREVENTION, AND JUVENILE OFFENDER ACCOUNTABILITY PLAN.—

''(1) IN GENERAL.—Subject to the general authority of the Attorney General, the Administrator shall develop objectives, priorities, and short- and long-term plans, and shall implement overall policy and a strategy to carry out those plans, for all Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities relating to improving juvenile crime control, the rehabilitation of juvenile offenders, the prevention of juvenile crime, and the enhancement of accountability by offenders within the juvenile justice system in the United States.

''(2) CONTENTS OF PLANS.—

''(A) IN GENERAL.—Each plan described in paragraph (1) shall—

''(i) contain specific, measurable goals and criteria for reducing the incidence of crime and delinquency among juveniles, improving juvenile crime control, and ensuring accountability by offenders within the juvenile justice system in the United States, and shall include criteria for any discretionary grants and contracts, for conducting research, and for carrying out other activities under this title;

''(ii) provide for coordinating the administration of programs and activities under this title with the administration of all other Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities, including proposals for joint funding to be coordinated by the Administrator;

''(iii) provide a detailed summary and analysis of the most recent data available regarding the number of juveniles taken into custody, the rate at which juveniles are taken into custody, the time served by juveniles in custody, and the trends demonstrated by such data;

''(iv) provide a description of the activities for which amounts are expended under this title;

''(v) provide specific information relating to the attainment of goals set forth in the plan, including specific, measurable standards for assessing progress toward national juvenile crime reduction and juvenile offender accountability goals; and

''(vi) provide for the coordination of Federal, State, and local initiatives for the reduction of youth crime, preventing delinquency, and ensuring accountability for juvenile offenders.

''(B) SUMMARY AND ANALYSIS.—Each summary and analysis under subparagraph (A)(iii) shall set out the information required by clauses (i), (ii), and (iii) of this subparagraph separately for juvenile nonoffenders, juvenile status offenders, and other juvenile offenders, and shall separately address with respect to each category of juveniles specified—

''(i) the types of offenses with which the juveniles are charged;

''(ii) the ages of the juveniles;

''(iii) the types of facilities used to hold the juveniles (including juveniles treated as adults for purposes of prosecution) in custody, including secure detention facilities, secure correctional facilities, jails, and lockups;

''(iv) the length of time served by juveniles in custody; and

''(v) the number of juveniles who died or who suffered serious bodily injury while in custody and the circumstances under which each juvenile died or suffered that injury.

''(C) DEFINITION OF SERIOUS BODILY INJURY.—In this paragraph, the term 'serious bodily injury' means bodily injury involving extreme physical pain or the impairment of a function of a bodily member, organ, or mental faculty that requires medical intervention such as surgery, hospitalization, or physical rehabilitation.

''(3) ANNUAL REVIEW.—The Administrator shall annually—

''(A) review each plan submitted under this subsection;

''(B) revise the plans, as the Administrator considers appropriate; and

''(C) not later than March 1 of each year, present the plans to the Committee on the Judiciary of the Senate and the Committee on Education and the Workforce of the House of Representatives.

''(b) DUTIES OF ADMINISTRATOR.—In carrying out this title, the Administrator shall—

''(1) advise the President through the Attorney General as to all matters relating to federally assisted juvenile crime control, prevention, and juvenile offender accountability programs, and Federal policies regarding juvenile crime and justice, including policies relating to juveniles prosecuted or adjudicated in the Federal courts;

''(2) implement and coordinate Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities among Federal departments and agencies and between such programs and activities and other Federal programs and activities that the Administrator determines may have an important bearing on the success of the entire national juvenile crime control, prevention, and juvenile offender accountability effort including, in consultation

with the Director of the Office of Management and Budget listing annually those programs to be considered Federal juvenile crime control, prevention, and juvenile accountability programs for the following fiscal year;

''(3) serve as a single point of contact for States, units of local government, and private entities for purposes of providing information relating to Federal juvenile delinquency programs or for referral to other agencies or departments that operate such programs;

''(4) provide for the auditing of grants provided pursuant to this title;

''(5) collect, prepare, and disseminate useful data regarding the prevention, correction, and control of juvenile crime and delinquency, and issue, not less than once each calendar year, a report on successful programs and juvenile crime reduction methods utilized by States, localities, and private entities;

''(6) ensure the performance of comprehensive rigorous independent scientific evaluations, each of which shall—

''(A) be independent in nature, and shall employ rigorous and scientifically valid standards and methodologies; and

''(B) include measures of outcome and process objectives, such as reductions in juvenile crime, youth gang activity, youth substance abuse, and other high risk factors, as well as increases in protective factors that reduce the likelihood of delinquency and criminal behavior;

''(7) consult with appropriate authorities in the States and with appropriate private entities regarding the development, review, and revision of the plans required by subsection (a) and the development of policies relating to juveniles prosecuted or adjudicated in the Federal courts;

''(8) provide technical assistance to the States, units of local government, and private entities in implementing programs funded by grants under this title;

''(9) provide technical and financial assistance to an organization composed of member representatives of the State advisory groups appointed under section 222(b)(2) to carry out activities under this paragraph, if that organization agrees to carry out activities that include—

''(A) conducting an annual conference of the member representatives for purposes relating to the activities of the State advisory groups;

''(B) disseminating information, data, standards, advanced techniques, and programs models developed through the Institute and through programs funded under section 241; and

''(C) advising the Administrator with respect to particular functions or aspects of the work of the Office; and

''(10) provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under section 222(b)(2) to assist that eligible organization in—

''(A) conducting an annual conference of member representatives of the State advisory groups for purposes relating to the activities of those groups; and

''(B) disseminating information, data, standards, advanced techniques, and program models developed through the Institute and through programs funded under section 241.

''(c) UTILIZATION OF SERVICES AND FACILITIES OF OTHER AGENCIES; REIMBURSEMENT.—The Administrator, through the general authority of the Attorney General, may utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

''(d) COORDINATION OF FUNCTIONS OF ADMINISTRATOR AND SECRETARY OF HEALTH AND HUMAN SERVICES.—All functions of the Administrator shall be coordinated as appropriate with the functions of the Secretary of Health and Human Services under title III.

''(e) ANNUAL JUVENILE DELINQUENCY DEVELOPMENT STATEMENTS.—

''(1) IN GENERAL.—Each Federal agency that administers a Federal juvenile crime control, prevention, and juvenile offender accountability program shall annually submit to the Administrator a juvenile crime control, prevention, and juvenile offender accountability development statement.

''(2) CONTENTS.—Each development statement submitted under paragraph (1) shall contain such information, data, and analyses as the Administrator may require and shall include an analysis of the extent to which the program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile crime control, prevention, and juvenile offender accountability, prevention, and treatment goals and policies.

''(3) REVIEW AND COMMENT.—

''(A) IN GENERAL.—The Administrator shall review and comment upon each juvenile crime control, prevention, and juvenile offender accountability development statement transmitted to the Administrator under paragraph (1).

''(B) INCLUSION IN OTHER DOCUMENTATION.—The development statement transmitted under paragraph (1), together with the comments of the Administrator under subparagraph (A), shall be—

''(i) included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation that significantly affects juvenile crime control, prevention, and juvenile offender accountability; and

''(ii) made available for promulgation to and use by State and local government officials, and by nonprofit organizations involved in delinquency prevention programs.

''(f) JOINT FUNDING.—Notwithstanding any other provision of law, if funds are made available by more than 1 Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile crime control, prevention, or juvenile offender accountability program or activity—

''(1) any 1 of the Federal agencies providing funds may be requested by the Administrator to act for all in administering the funds advanced; and

''(2) a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Administrator may order any such Federal agency to waive any technical grant or contract requirement (as defined in those regulations) that is inconsistent with the similar requirement of the administering agency or that the administering agency does not impose.

''SEC. 204. COMMUNITY PREVENTION GRANT PROGRAM.

''(a) PURPOSES.—The Administrator may make grants to a State, to be transmitted through the State advisory group to units of local government that meet the requirements of subsection (b), for delinquency prevention programs and activities for youth who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system, including the provision to children, youth, and families of—

''(1) recreation services;

''(2) tutoring and remedial education;

''(3) assistance in the development of work awareness skills;

''(4) child and adolescent health and mental health services;

''(5) alcohol and substance abuse prevention services;

''(6) leadership development activities; and

''(7) the teaching that people are and should be held accountable for their actions.

''(b) ELIGIBILITY.—The requirements of this subsection are met with respect to a unit of general local government if—

''(1) the unit is in compliance with the requirements of part B of title II;

''(2) the unit has submitted to the State advisory group a 3-year plan outlining the local front end plans of the unit for investment for delinquency prevention and early intervention activities;

''(3) the unit has included in its application to the Administrator for formula grant funds a summary of the 3-year plan described in paragraph (2);

''(4) pursuant to its 3-year plan, the unit has appointed a local policy board of no fewer than 15 and no more than 21 members with balanced representation of public agencies and private, nonprofit organizations serving children, youth, and families and business and industry;

''(5) the unit has, in order to aid in the prevention of delinquency, included in its application a plan for the coordination of services to at-risk youth and their families, including such programs as nutrition, energy assistance, and housing;

''(6) the local policy board is empowered to make all recommendations for distribution of funds and evaluation of activities funded under this title; and

''(7) the unit or State has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions, to fund the activity.

''(c) PRIORITY.—In considering grant application under this section, the Administrator shall give priority to applicants that demonstrate ability in—

''(1) plans for service and agency coordination and collaboration including the collocation of services;

''(2) innovative ways to involve the private nonprofit and business sector in delinquency prevention activities; and

''(3) developing or enhancing a statewide subsidy program to local governments that is dedicated to early intervention and delinquency prevention.

''SEC. 205. GRANTS TO INDIAN TRIBES.

''(a) IN GENERAL.—From the amount reserved under section 206(b) in each fiscal year, the Administrator shall make grants to Indian tribes for programs pursuant to the permissible purposes under section 204 and part B of this title.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—To be eligible to receive a grant under this section, an Indian tribe shall submit to the Administrator an application in such form and containing such information as the Administrator may by regulation require.

''(2) PLANS.—Each application submitted under paragraph (1) shall include a plan for conducting projects described in section 204(a), which plan shall—

''(A) provide evidence that the Indian tribe performs law enforcement functions (as determined by the Secretary of the Interior);

''(B) identify the juvenile justice and delinquency problems and juvenile delinquency prevention needs to be addressed by activities conducted by the Indian tribe in the area under the jurisdiction of the Indian tribe with assistance provided by the grant;

''(C) provide for fiscal control and accounting procedures that—

''(i) are necessary to ensure the prudent use, proper disbursement, and accounting of funds received under this section; and

''(ii) are consistent with the requirements of subparagraph (B);

''(D) comply with the requirements of section 222(a) (except that such subsection relates to consultation with a State advisory group) and with the requirements of section 222(c); and

''(E) contain such other information, and be subject to such additional requirements, as the Administrator may reasonably prescribe to ensure the effectiveness of the grant program under this section.

''(c) FACTORS FOR CONSIDERATION.—In awarding grants under this section, the Administrator shall consider—

''(1) the resources that are available to each applicant that will assist, and be coordinated with, the overall juvenile justice system of the Indian tribe; and

''(2) for each Indian tribe that receives assistance under such a grant—

''(A) the relative juvenile population; and

''(B) who will be served by the assistance provided by the grant.

''(d) GRANT AWARDS.—

''(1) IN GENERAL.—

''(A) COMPETITIVE AWARDS.—Except as provided in paragraph (2), the Administrator shall—

''(i) annually award grants under this section on a competitive basis; and

''(ii) enter into a grant agreement with each grant recipient under this section that specifies the terms and conditions of the grant.

''(B) PERIOD OF GRANT.—The period of each grant awarded under this section shall be 2 years.

''(2) EXCEPTION.—In any case in which the Administrator determines that a grant recipient under this section has performed satisfactorily during the preceding year in accordance with an applicable grant agreement, the Administrator may—

''(A) waive the requirement that the recipient be subject to the competitive award process described in paragraph (1)(A); and

''(B) renew the grant for an additional grant period (as specified in paragraph (1)(B)).

''(3) MODIFICATIONS OF PROCESSES.—The Administrator may prescribe requirements to provide for appropriate modifications to the plan preparation and application process specified in subsection (b) for an application for a renewal grant under paragraph (2)(B).

''(e) REPORTING REQUIREMENT.—Each Indian tribe that receives a grant under this section shall be subject to the fiscal accountability provisions of section 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.

''(f) MATCHING REQUIREMENT.—Funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of any program or project with a matching requirement funded under this section.

''(g) TECHNICAL ASSISTANCE.—From the amount reserved under section 206(b) in each fiscal year, the Administrator may reserve 1 percent for the purpose of providing technical assistance to recipients of grants under this section.

''SEC. 206. ALLOCATION OF GRANTS.

''(a) IN GENERAL.—Subject to subsections (b), (c), and (d), the amount allocated under section 261 to carry out section 204 in each fiscal year shall be allocated to the States as follows:

''(1) The amount allocated to any State shall not be less than $200,000.

''(2) Not less than 75 percent of the funds made available under Part A of this title shall be used to carry out section 205.

''(b) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, from the amounts allocated under section 261 to carry out section 204 and part B in each fiscal year the Administrator shall reserve an amount equal to the amount which all Indian tribes that qualify for a grant under section 205 would collectively be entitled, if such tribes were collectively treated as a State for purposes of subsection (a).

''(c) EXCEPTION.—The amount allocated to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than $75,000 and not more than $100,000.

''(d) ADMINISTRATIVE COSTS.—A State, unit of local government, or eligible unit that receives funds under this part may not use more than 5 percent of those funds to pay for administrative costs.

''PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

''SEC. 221. AUTHORITY TO MAKE GRANTS AND CONTRACTS.

''(a) IN GENERAL.—The Administrator may make grants to States and units of local government, or combinations thereof, to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

''(b) TRAINING AND TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—With not to exceed 2 percent of the funds available in a fiscal year to carry out this part, the Administrator shall make grants to and enter into contracts with public and private agencies, organizations, and individuals to provide training and technical assistance to States, units of local government (or combinations thereof), and local private agencies to facilitate compliance with section 222 and implementation of the State plan approved under section 222(c).

''(2) ELIGIBLE RECIPIENTS.—

''(A) IN GENERAL.—Grants may be made to and contracts may be entered into under paragraph (1) only with public and private agencies, organizations, and individuals that have experience in providing training and technical assistance required under paragraph (1).

''(B) ACTIVITY COORDINATION.—In providing training and technical assistance required under paragraph (1), the recipient of a grant or contract under this subsection shall coordinate its activities with the State agency described in section 222(a)(1).

''SEC. 222. STATE PLANS.

''(a) IN GENERAL.—In order to receive formula grants under this part, a State shall submit a plan, developed in consultation with the State Advisory Group established by the State under subsection (e)(2)(A), for carrying out its purposes applicable to a 3-year period.

''(b) ALLOCATION.—A portion of any allocation of formula grants to a State shall be available to develop a State plan or for other activities associated with such State plan which are necessary for efficient administration, including monitoring, evaluation, and one full-time staff position.

''(c) ANNUAL REPORTS.—The State shall submit annual performance reports to the Administrator, each of which shall describe progress in implementing programs contained in the original State plan, and amendments necessary to update the State plan, and shall describe the status of compliance with State plan requirements.

''(d) CONTENTS OF PLAN.—In accordance with regulations that the Administrator shall prescribe, a State plan shall—

''(1) designate a State agency as the sole agency for supervising the preparation and administration of the State plan;

''(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) has or will have authority, by legislation if necessary, to implement the State plan in conformity with this part;

''(3) provide for the active consultation with and participation of units of local government in the development of a State plan that adequately takes into account the needs and requests of units of local government, except that nothing in the State plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies, including religious organizations;

''(4) to the extent feasible and consistent with paragraph (5), provide for an equitable distribution of the assistance received with the State, including rural areas;

''(5) require that the State or unit of local government that is a recipient of amounts under this part distribute the amounts intended to be used for the prevention of juvenile delinquency and reduction of incarceration, to the extent feasible, in proportion to the amount of juvenile crime committed within those regions and communities;

''(6) provide assurances that youth who come into contact with the juvenile justice system are treated equitably on the basis of gender, race, family income, and disability;

''(7) provide for—

''(A) an analysis of juvenile crime and delinquency problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State (including any geographical area in which an Indian tribe performs law enforcement functions), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State;

''(B) an indication of the manner in which the programs relate to other similar State or local programs that are intended to address the same or similar problems; and

''(C) a strategy for the concentration of State efforts, which shall coordinate all State juvenile crime control, prevention, and delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile crime control and delinquency programs and activities, including a provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;

''(D) needed gender-specific services for the prevention and treatment of juvenile delinquency;

''(E) needed services for the prevention and treatment of juvenile delinquency in rural areas; and

''(F) needed mental health services to juveniles in the juvenile justice system;

''(8) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;

''(9) provide for the development of an adequate research, training, and evaluation capacity within the State;

''(10) provide that not less than 75 percent of the funds available to the State under section 221, other than funds made available to the State advisory group under this section, whether expended directly by the State, by the unit of local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for—

''(A) community-based alternatives (including home-based alternatives) to incarceration and institutionalization, including—

''(i) for youth who need temporary placement, the provision of crisis intervention, shelter, and after-care; and

''(ii) for youth who need residential placement, the provision of a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;

''(B) programs that assist in holding juveniles accountable for their actions, including the use of graduated sanctions and of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution for the damage caused by their delinquent behavior;

''(C) comprehensive juvenile crime control and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, public recreation agencies, and private nonprofit agencies offering youth services;

''(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to the families of those juveniles, in order to reduce the likelihood that those juvenile offenders will commit subsequent violations of law;

''(E) educational programs or supportive services for delinquent or other juveniles—

''(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

''(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and

''(iii) to enhance coordination with the local schools that juveniles would otherwise attend, to ensure that—

''(I) the instruction that juveniles receive outside school is closely aligned with the instruction provided in school; and

''(II) information regarding any learning problems identified in such alternative learning situations are communicated to the schools;

''(F) expanding the use of probation officers—

''(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

''(ii) to ensure that juveniles follow the terms of their probation;

''(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;

''(H) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other juveniles with disabilities;

''(I) projects designed to deter involvement in illegal activities and promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;

''(J) programs and projects designed to provide for the treatment of a youth who is dependent on or abuses alcohol or other addictive or nonaddictive drugs;

''(K) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;

''(L) activities (such as court-appointed advocates) that the State determines will hold juveniles accountable for their acts and decrease juvenile involvement in delinquent activities;

''(M) establishing policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

''(N) programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and other barriers that may prevent the complete treatment of the juveniles and the preservation of their families;

''(O) programs that utilize multidisciplinary interagency case management and information sharing, that enable the juvenile justice and law enforcement agencies, schools, and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit violent or serious delinquent acts;

''(P) programs designed to prevent and reduce hate crimes committed by juveniles;

''(Q) court supervised initiatives that address the illegal possession of firearms by juveniles;

''(R) programs for positive youth development that provide delinquent youth and youth at-risk of delinquency with—

''(i) an ongoing relationship with a caring adult (such as a mentor, tutor, coach, or shelter youth worker);

''(ii) safe places and structured activities during nonschool hours;

''(iii) a healthy start;

''(iv) a marketable skill through effective education; and

''(v) an opportunity to give back through community service;

''(S) programs and projects that provide comprehensive post-placement services that help juveniles make a successful transition back into the community, including mental health services, substance abuse treatment, counseling, education, and employment training;

''(T) programs and services designed to identify and address the health and mental health needs of youth; and

''(U) programs that have been proven to be successful in preventing delinquency, such as Multi-Systemic Therapy, Multi-Dimensional Treatment Foster Care, Functional Family Therapy, and the Bullying Prevention Program;

''(11) provide that—

''(A) a juvenile who is charged with or who has committed an offense that would not be criminal if committed by an adult shall not be placed in a secure detention facility or secure correctional facility unless the juvenile—

''(i) was charged with or committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

''(ii) was charged with or committed a violation of a valid court order; or

''(iii) was held in accordance with the Interstate Compact on Juveniles as enacted by the State; and

''(B) a juvenile shall not be placed in a secure detention facility or secure correctional facility if the juvenile—

''(i) was not charged with any offense; and

''(ii) is—

''(I) an alien; or

''(II) alleged to be dependent, neglected, or abused.

''(12) provide that—

''(A) a juvenile who is alleged to be or found to be delinquent or a juvenile who is described in paragraph (11) will not be detained or confined in any institution in which prohibited physical contact or sustained oral and visual contact with an adult inmate can occur; and

''(B) there is in effect in the State a policy that requires an individual who works with both juveniles and adult inmates, including in collocated facilities, to be trained and certified to work with juveniles;

''(13) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

''(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

''(i) for processing or release;

''(ii) while awaiting transfer to a juvenile facility; or

''(iii) in which period such juveniles make a court appearance;

''(B) juveniles who—

''(i) are accused of nonstatus offenses;

''(ii) are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays); and

''(iii) are detained in a jail or lockup—

''(I) in which such juveniles do not have prohibited physical contact, or sustained oral and visual contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges;

''(II) where there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in collocated facilities have been trained and certified to work with juveniles; and

''(III) that is located—

''(aa) outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

''(bb) where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

''(cc) where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

''(14)(A) provide assurances that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and

other youth to prevent juvenile delinquency; and

''(B) approaches under subparagraph (A) should include the involvement of grandparents or other extended family members, when possible, and appropriate and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible;

''(15) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to the services provided to any individual under the State plan;

''(16) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

''(17) provide reasonable assurances that Federal funds made available under this part for any period shall be used to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would, in the absence of the Federal funds, be made available for the programs described in this part, and shall in no event replace such State, local, and other non-Federal funds;

''(18) provide that the State agency designated under paragraph (1) shall, not less often than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of the State and local needs, that the agency considers necessary;

''(19) provide assurances that the State or unit of local government that is a recipient of amounts under this part require that any person convicted of a sexual act or sexual contact involving any other person who has not attained the age of 18 years, and who is not less than 4 years younger than that convicted person, be tested for the presence of a sexually transmitted disease and that the results of that test be provided to the victim or to the family of the victim as well as to any court or other government agency with primary authority for sentencing the person convicted for the commission of the sexual act or sexual contact (as those terms are defined in paragraphs (2) and (3), respectively, of section 2246 of title 18, United States Code);

''(20) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

''(A) an appropriate public agency shall be promptly notified that the juvenile is being taken into custody for violating the court order;

''(B) that within 24 hours of the juvenile being taken into custody, an authorized representative of the public agency shall interview the juvenile in person; and

''(C) that within 48 hours of the juvenile being taken into custody—

''(i) the authorized representative shall submit an assessment regarding the immediate needs of the juvenile to the court that issued the order; and

''(ii) the court shall conduct a hearing to determine—

''(I) whether there is reasonable cause to believe that the juvenile violated the order; and

''(II) the appropriate placement of the juvenile pending disposition of the alleged violation;

''(21) specify a percentage, if any, of funds received by the State under section 221 that the State shall reserve for expenditure by the State to provide incentive grants to units of local government that reduce the case load of probation officers within those units;

''(22) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to that juvenile that are on file in the geographical area under the jurisdiction of that court will be made known to that court;

''(23) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 50 percent of funds received by the State under this section, other than funds made available to the State advisory group, shall be expended—

''(A) through programs of units of general local government, to the extent that those programs are consistent with the State plan; and

''(B) through programs of local private agencies, to the extent that those programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if the local private agency requests direct funding after the agency has applied for and been denied funding by a unit of general local government;

''(24) provide for the establishment of youth tribunals and peer 'juries' in school districts in the State to promote zero tolerance policies with respect to misdemeanor offenses, acts of juvenile delinquency, and other antisocial behavior occurring on school grounds, including truancy, vandalism, underage drinking, and underage tobacco use;

''(25) provide for projects to coordinate the delivery of adolescent mental health and substance abuse services to children at risk by coordinating councils composed of public and private service providers;

''(26) provide assurances that—

''(A) any assistance provided under this title will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

''(B) activities assisted under this title will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

''(C) an activity that would be inconsistent with the terms of a collective bargaining agreement shall not be undertaken without the written concurrence of the labor organization involved; and

''(27) address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups, if such proportion exceeds the proportion such groups represent in the general population.

''(e) APPROVAL BY STATE AGENCY.—

''(1) STATE AGENCY.—The State agency designated under subsection (d)(1) shall approve the State plan and any modification of that plan prior to submission of the plan to the Administrator.

''(2) STATE ADVISORY GROUP.—

''(A) ESTABLISHMENT.—

''(i) IN GENERAL.—The State advisory group referred to in subsection (a) shall be known as the 'State Advisory Group'.

''(ii) MEMBERS.—The State Advisory Group shall—

''(I) consist of representatives from both the private and public sector, each of whom shall be appointed for a term of not more than 6 years; and

''(II) include not less than 1 prosecutor and not less than 1 judge from a court with a juvenile crime or delinquency docket.

''(iii) MEMBER EXPERIENCE.—The State shall ensure that members of the State Advisory Group shall have experience in the area of juvenile delinquency prevention, the prosecution of juvenile offenders, the treatment of juvenile delinquency, the investigation of juvenile crimes, or the administration of juvenile justice programs.

''(iv) CHAIRPERSON.—The chairperson of the State Advisory Group shall not be a full-time employee of the Federal Government or the State government.

''(B) CONSULTATION.—

''(i) IN GENERAL.—The State Advisory Group established under subparagraph (A) shall—

''(I) participate in the development and review of a State plan under this section before the plan is submitted to the supervisory agency for final action; and

''(II) be afforded an opportunity to review and comment, not later than 30 days after the submission to the State Advisory Group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under subsection (d)(1).

''(ii) AUTHORITY.—The State Advisory Group shall report to the chief executive officer and the legislature of a State that has submitted a plan, on an annual basis regarding recommendations related to the compliance by that State with this section.

''(C) FUNDING.—From amounts reserved for administrative costs, the State may make available to the State Advisory Group such sums as may be necessary to assist the State Advisory Group in adequately performing its duties under this paragraph.

''(f) COMPLIANCE WITH STATUTORY REQUIREMENTS.—If a State fails to comply with any of the applicable requirements of paragraph (11), (12), (13), or (27) of subsection (d) in any fiscal year beginning after September 30, 2001, the amount allocated to that State for the subsequent fiscal year shall be reduced by not to exceed 12.5 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

''(1) has achieved substantial compliance with the applicable requirements with respect to which the State was not in compliance; and

''(2) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with the applicable requirements within a reasonable time.

''SEC. 223. ALLOCATION OF GRANTS.

''(a) IN GENERAL.—Subject to subsections (b), (c), and (d), of the amount allocated under section 261 to carry out this part in each fiscal year that remains after reservation under section 206(b) for that fiscal year—

''(1) no State shall be allocated less than $750,000; and

''(2) the amount remaining after the allocation under paragraph (1) shall be allocated proportionately based on the juvenile population in the eligible States.

''(b) SYSTEM SUPPORT GRANTS.—Of the amount allocated under section 261 to carry out this part in each fiscal year that remains after reservation under section 206(b) for that fiscal year, up to 10 percent may be available for use by the Administrator to provide—

''(1) training and technical assistance consistent with the purposes authorized under sections 203, 204, and 221;

''(2) direct grant awards and other support to develop, test, and demonstrate new approaches to improving the juvenile justice

system and reducing, preventing, and abating delinquent behavior, juvenile crime, and youth violence;

''(3) for research and evaluation efforts to discover and test methods and practices to improve the juvenile justice system and reduce, prevent, and abate delinquent behavior, juvenile crime, and youth violence; and

''(4) information, including information on best practices, consistent with purposes authorized under sections 203, 204, and 221.

''(c) EXCEPTION.—The amount allocated to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than $75,000 and not more than $100,000.

''(d) ADMINISTRATIVE COSTS.—A State, unit of local government, or eligible unit that receives funds under this part may not use more than 5 percent of those funds to pay for administrative costs.

''PART C—GANG-FREE SCHOOLS AND COMMUNITIES; COMMUNITY-BASED GANG INTERVENTION

''SEC. 231. DEFINITION OF JUVENILE.

''In this part, the term 'juvenile' means an individual who has not attained the age of 22 years.

''SEC. 232. GANG-FREE SCHOOLS AND COMMUNITIES.

''(a) IN GENERAL.—

''(1) FAMILY AND COMMUNITY GRANTS.—The Administrator shall make grants to or enter into contracts with public agencies (including local educational agencies) and private nonprofit agencies, organizations, and institutions to establish and support programs and activities that involve families and communities and that are designed to—

''(A) prevent and reduce the participation of juveniles in criminal gang activity by providing—

''(i) individual, peer, family, and group counseling, including a provision of life skills training and preparation for living independently, which shall include cooperation with social services, welfare, and health care programs;

''(ii) education, recreation, and social services designed to address the social and developmental needs of juveniles that those juveniles would otherwise seek to have met through membership in gangs;

''(iii) crisis intervention and counseling to juveniles who are particularly at risk of gang involvement, and the families of those juveniles, including assistance from social service, welfare, health care, mental health, and substance abuse prevention and treatment agencies where necessary;

''(iv) an organization of neighborhood and community groups to work closely with parents, schools, law enforcement, and other public and private agencies in the community; and

''(v) training and assistance to adults who have significant relationships with juveniles who are or may become members of gangs so the adults may provide constructive alternatives to participating in the activities of gangs;

''(B) develop within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles who have been convicted of serious drug-related and gang-related offenses;

''(C) target elementary school students, with the purpose of steering students away from gang involvement;

''(D) provide treatment to juveniles who are members of gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent;

''(E) promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes;

''(F) promote and support, with the cooperation of community-based organizations experienced in providing services to juveniles engaged in gang-related activities and the cooperation of local law enforcement agencies, the development of policies and activities in public elementary and secondary schools that will assist those schools in maintaining a safe environment conducive to learning;

''(G) assist juveniles who are or may become members of gangs to obtain appropriate educational instruction, in or outside a regular school program, including the provision of counseling and other services to promote and support the continued participation of those juveniles in the instructional programs;

''(H) expand the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substance analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802)) by juveniles, provided through State and local health and social services agencies;

''(I) provide services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity;

''(J) provide services authorized in this section at a special location in a school or housing project or other appropriate site; or

''(K) support activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this section.

''(2) RESEARCH AND EVALUATION.—From not more than 15 percent of the total amount appropriated to carry out this part in each fiscal year, the Administrator may make grants to and enter into contracts with public agencies and private nonprofit agencies, organizations, and institutions—

''(A) to conduct research on issues related to juvenile gangs;

''(B) to evaluate the effectiveness of programs and activities funded under paragraph (1); and

''(C) to increase the knowledge of the public (including public and private agencies that operate or desire to operate gang prevention and intervention programs) by disseminating information on research and on effective programs and activities funded under this section.

''(b) APPROVAL OF APPLICATIONS.—

''(1) IN GENERAL.—Any agency, organization, or institution that seeks to receive a grant or enter into a contract under this section shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

''(2) APPLICATION CONTENTS.—In accordance with guidelines established by the Administrator, each application submitted under paragraph (1) shall—

''(A) set forth a program or activity for carrying out 1 or more of the purposes specified in subsection (a), and specifically identify each purpose the program or activity is designed to carry out;

''(B) provide that the program or activity shall be administered by or under the supervision of the applicant;

''(C) provide for the proper and efficient administration of the program or activity;

''(D) provide for regular evaluation of the program or activity;

''(E) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

''(F) describe how the program or activity is coordinated with programs, activities, and services available locally under part B of this title and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

''(G) certify that the applicant has requested the State planning agency to review and comment on the application and to summarize the responses of that State planning agency to the request;

''(H) provide that regular reports on the program or activity shall be sent to the Administrator and to the State planning agency; and

''(I) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

''(3) PRIORITY.—In reviewing applications for grants and contracts under this section, the Administrator shall give priority to an application—

''(A) submitted by, or substantially involving, a local educational agency (as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

''(B) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicant proposes to carry out the programs and activities for which the grants and contracts are requested; and

''(C) for assistance for programs and activities that—

''(i) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in the geographical area in which the applicant proposes to carry out the programs and activities; and

''(ii) will substantially involve the families of juvenile gang members in carrying out the programs or activities.

''SEC. 233. COMMUNITY-BASED GANG INTERVENTION.

''(a) IN GENERAL.—The Administrator shall make grants to or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities—

''(1) to reduce the participation of juveniles in the illegal activities of gangs;

''(2) to develop regional task forces involving State, local, and community-based organizations to coordinate the disruption of gangs and the prosecution of juvenile gang members and to curtail interstate activities of gangs;

''(3) to facilitate coordination and cooperation among—

''(A) local education, juvenile justice, employment, recreation, and social service agencies; and

''(B) community-based programs with a proven record of effectively providing intervention services to juvenile gang members for the purpose of reducing the participation of juveniles in illegal gang activities; and

''(4) to support programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

''(A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, and secure community-based treatment facilities linked to other support services such

as health, mental health, remedial and special education, job training, and recreation); and

''(B) assist in the provision by the Administrator of information and technical assistance, including technology transfer, to States, in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior.

''(b) ELIGIBLE PROGRAMS AND ACTIVITIES.—Programs and activities for which grants and contracts are to be made under this section may include—

''(1) the hiring of additional State and local prosecutors, and the establishment and operation of programs, including multijurisdictional task forces, for the disruption of gangs and the prosecution of gang members;

''(2) developing within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles who are convicted of serious drug-related and gang-related offenses;

''(3) providing treatment to juveniles who are members of gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent;

''(4) promoting the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes;

''(5) expanding the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802)), by juveniles, provided through State and local health and social services agencies;

''(6) providing services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity; or

''(7) supporting activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this section.

''(c) APPROVAL OF APPLICATIONS.—

''(1) IN GENERAL.—Any agency, organization, or institution that seeks to receive a grant or enter into a contract under this section shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

''(2) APPLICATION CONTENTS.—In accordance with guidelines established by the Administrator, each application submitted under paragraph (1) shall—

''(A) set forth a program or activity for carrying out 1 or more of the purposes specified in subsection (a), and specifically identify each purpose the program or activity is designed to carry out;

''(B) provide that the program or activity shall be administered by or under the supervision of the applicant;

''(C) provide for the proper and efficient administration of the program or activity;

''(D) provide for regular evaluation of the program or activity;

''(E) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

''(F) describe how the program or activity is coordinated with programs, activities, and services available locally under part B of this title and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

''(G) certify that the applicant has requested the State planning agency to review and comment on the application and to summarize the responses of the State planning agency to the request;

''(H) provide that regular reports on the program or activity shall be sent to the Administrator and to the State planning agency; and

''(I) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

''(3) PRIORITY.—In reviewing applications for grants and contracts under subsection (a), the Administrator shall give priority to an application—

''(A) submitted by, or substantially involving, a community-based organization experienced in providing services to juveniles;

''(B) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicant proposes to carry out the programs and activities for which the grants and contracts are requested; and

''(C) for assistance for programs and activities that—

''(i) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in the geographical area in which the applicant proposes to carry out the programs and activities; and

''(ii) will substantially involve the families of juvenile gang members in carrying out the programs or activities.

''SEC. 234. PRIORITY.

''In making grants under this part, the Administrator shall give priority to funding programs and activities described in subsections (a)(2) and (b)(1) of section 233.

''PART D—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

''SEC. 241. GRANTS AND PROJECTS.

''(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to, and enter into contracts with, States, units of local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency.

''(b) DISTRIBUTION.—The Administrator shall ensure that, to the extent reasonable and practicable, a grant made under subsection (a) is made to achieve an equitable geographical distribution of such projects throughout the United States.

''(c) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which the grant is made.

''SEC. 242. GRANTS FOR TRAINING AND TECHNICAL ASSISTANCE.

''The Administrator may make grants to, and enter into contracts with, public and private agencies, organizations, and individuals to provide training and technical assistance to States, units of local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 241.

''SEC. 243. ELIGIBILITY.

''To be eligible to receive assistance pursuant to a grant or contract under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof, shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonably require by rule.

''SEC. 244. REPORTS.

''Each recipient of assistance pursuant to a grant or contract under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which the assistance was provided.

''PART E—MENTORING

''SEC. 251. MENTORING.

''The purposes of this part are to, through the use of mentors for at-risk youth—

''(1) reduce juvenile delinquency and gang participation;

''(2) improve academic performance; and

''(3) reduce the dropout rate.

''SEC. 252. DEFINITIONS.

''In this part:

''(1) AT-RISK YOUTH.—The term 'at-risk youth' means a youth at risk of educational failure, dropping out of school, or involvement in criminal or delinquent activities.

''(2) MENTOR.—The term 'mentor' means a person who works with an at-risk youth on a one-to-one basis, provides a positive role model for the youth, establishes a supportive relationship with the youth, and provides the youth with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the youth to become a responsible adult.

''SEC. 253. GRANTS.

''(a) LOCAL EDUCATIONAL GRANTS.—The Administrator shall make grants to local education agencies and nonprofit organizations to establish and support programs and activities for the purpose of implementing mentoring programs that—

''(1) are designed to link at-risk children, particularly children living in high crime areas and children experiencing educational failure, with responsible adults such as law enforcement officers, persons working with local businesses, elders in Alaska Native villages, and adults working for community-based organizations and agencies; and

''(2) are intended to—

''(A) provide general guidance to at-risk youth;

''(B) promote personal and social responsibility among at-risk youth;

''(C) increase participation by at-risk youth in, and enhance the ability of at-risk youth to benefit from, elementary and secondary education;

''(D) discourage the use of illegal drugs, violence, and dangerous weapons by at-risk youth, and discourage other criminal activity;

''(E) discourage involvement of at-risk youth in gangs; or

''(F) encourage at-risk youth to participate in community service and community activities.

''(b) FAMILY-TO-FAMILY MENTORING GRANTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) FAMILY-TO-FAMILY MENTORING PROGRAM.—The term 'family-to-family mentoring program' means a mentoring program that—

''(i) utilizes a 2-tier mentoring approach that matches volunteer families with at-risk families allowing parents to work directly with parents and children to work directly with children; and

''(ii) has an after-school program for volunteer and at-risk families.

''(B) POSITIVE ALTERNATIVES PROGRAM.—The term 'positive alternatives program' means a positive youth development and family-to-family mentoring program that emphasizes drug and gang prevention components.

''(C) QUALIFIED POSITIVE ALTERNATIVES PROGRAM.—The term 'qualified positive alternatives program' means a positive alternatives program that has established a family-to-family mentoring program, as of the date of enactment of the Juvenile Crime Prevention and Control Act of 2001.

''(2) AUTHORITY.—The Administrator shall make and enter into contracts with a qualified positive alternatives program.

"SEC. 254. REGULATIONS AND GUIDELINES.

''(a) PROGRAM GUIDELINES.—To implement this part, the Administrator shall issue program guidelines which shall be effective only after a period for public notice and comment.

''(b) MODEL SCREENING GUIDELINES.—The Administrator shall develop and distribute to program participants specific model guidelines for the screening of prospective program mentors.

"SEC. 255. USE OF GRANTS.

''(a) PERMITTED USES.—Grants awarded under this part shall be used to implement mentoring programs, including—

''(1) the hiring of mentoring coordinators and support staff;

''(2) the recruitment, screening, and training of adult mentors;

''(3) the reimbursement of mentors for reasonable incidental expenditures, such as transportation, that are directly associated with mentoring; and

''(4) such other purposes as the Administrator may reasonably prescribe by regulation.

''(b) PROHIBITED USES.—Grants awarded pursuant to this part shall not be used—

''(1) to directly compensate mentors, except as provided pursuant to subsection (a)(3);

''(2) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the operations of the grantee;

''(3) to support litigation of any kind; or

''(4) for any other purpose reasonably prohibited by the Administrator by regulation.

"SEC. 256. PRIORITY.

''(a) IN GENERAL.—In making grants under this part, the Administrator shall give priority for awarding grants to applicants that—

''(1) serve at-risk youth in high crime areas;

''(2) have 60 percent or more of the youth eligible to receive funds under the Elementary and Secondary Education Act of 1965; and

''(3) have a considerable number of youths who drop out of school each year.

''(b) OTHER CONSIDERATIONS.—In making grants under this part, the Administrator shall give consideration to—

''(1) the geographic distribution (urban and rural) of applications;

''(2) the quality of a mentoring plan, including—

''(A) the resources, if any, that will be dedicated to providing participating youth with opportunities for job training or postsecondary education; and

''(B) the degree to which parents, teachers, community-based organizations, and the local community participate in the design and implementation of the mentoring plan; and

''(3) the capability of the applicant to effectively implement the mentoring plan.

"SEC. 257. APPLICATIONS.

''An application for assistance under this part shall include—

''(1) information on the youth expected to be served by the program;

''(2) a provision for a mechanism for matching youth with mentors based on the needs of the youth;

''(3) an assurance that no mentor or mentoring family will be assigned a number of youths that would undermine the ability of that mentor to be an effective mentor and ensure a one-to-one relationship with mentored youths;

''(4) an assurance that projects operated in secondary schools will provide the youth with a variety of experiences and support, including—

''(A) an opportunity to spend time in a work environment and, when possible, participate in the work environment;

''(B) an opportunity to witness the job skills that will be required for the youth to obtain employment upon graduation;

''(C) assistance with homework assignments; and

''(D) exposure to experiences that the youth might not otherwise encounter;

''(5) an assurance that projects operated in elementary schools will provide the youth with—

''(A) academic assistance;

''(B) exposure to new experiences and activities that the youth may not otherwise encounter; and

''(C) emotional support;

''(6) an assurance that projects will be monitored to ensure that each youth benefits from a mentor relationship, and will include a provision for a new mentor assignment if the relationship is not beneficial to the youth;

''(7) the method by which a mentor and a youth will be recruited to the project;

''(8) the method by which a prospective mentor will be screened; and

''(9) the training that will be provided to a mentor.

"SEC. 258. GRANT CYCLES.

''Each grant under this part shall be made for a 3-year period.

"SEC. 259. FAMILY MENTORING PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) COOPERATIVE EXTENSION SERVICES.—The term 'cooperative extension services' has the meaning given that term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

''(2) FAMILY MENTORING PROGRAM.—The term 'family mentoring program' means a mentoring program that—

''(A) utilizes a 2-tier mentoring approach that uses college age or young adult mentors working directly with at-risk youth and uses retirement-age couples working with the parents and siblings of at-risk youth; and

''(B) has a local advisory board to provide direction and advice to program administrators.

''(3) QUALIFIED COOPERATIVE EXTENSION SERVICE.—The term 'qualified cooperative extension service' means a cooperative extension service that has established a family mentoring program, as of the date of enactment of the Juvenile Crime Prevention and Control Act of 2001.

''(b) MODEL PROGRAM.—The Administrator, in cooperation with the Secretary of Agriculture, shall make a grant to a qualified cooperative extension service for the purpose of expanding and replicating family mentoring programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

''(c) ESTABLISHMENT OF NEW FAMILY MENTORING PROGRAMS.—

''(1) IN GENERAL.—The Administrator, in cooperation with the Secretary of Agriculture, may make 1 or more grants to cooperative extension services for the purpose of establishing family mentoring programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

''(2) MATCHING REQUIREMENT AND SOURCE OF MATCHING FUNDS.—

''(A) IN GENERAL.—The amount of a grant under this subsection may not exceed 35 percent of the total costs of the program funded by the grant.

''(B) SOURCE OF MATCH.—Matching funds for grants under this subsection may be derived from amounts made available to a State under subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343), except that the total amount derived from Federal sources may not exceed 70 percent of the total cost of the program funded by the grant.

"PART F—ADMINISTRATIVE PROVISIONS

"SEC. 261. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this title, and to carry out part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee et seq.), $1,065,000,000 for each of fiscal years 2002 through 2007.

''(b) ALLOCATION OF APPROPRIATIONS.—Of the amount made available under subsection (a) for each fiscal year—

''(1) $500,000,000 shall be for programs under sections 1801 and 1803 of part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee et seq.);

''(2) $75,000,000 shall be for grants for juvenile criminal history records upgrades pursuant to section 1802 of part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee–1);

''(3) $250,000,000 shall be for programs under section 204 of part A of this title;

''(4) $200,000,000 shall be for programs under part B of this title;

''(5) $20,000,000 shall be for programs under parts C and D of this title; and

''(6) $20,000,000 shall be for programs under part E of this title, of which $3,000,000 shall be for programs under section 259.

''(c) SOURCE OF SUMS.—Amounts authorized to be appropriated pursuant to this section may be derived from the Violent Crime Reduction Trust Fund.

''(d) ADMINISTRATION AND OPERATIONS.—There is authorized to be appropriated for the administration and operation of the Office of Juvenile Crime Control and Prevention such sums as may be necessary for each of fiscal years 2002 through 2007.

''(e) AVAILABILITY OF FUNDS.—Amounts made available pursuant to this section and allocated in accordance with this title in any fiscal year shall remain available until expended.

"SEC. 262. ADMINISTRATIVE PROVISIONS.

''(a) AUTHORITY OF ADMINISTRATOR.—The Office shall be administered by the Administrator under the general authority of the Attorney General.

''(b) APPLICABILITY OF CERTAIN CRIME CONTROL PROVISIONS.—Sections 809(c), 811(a), 811(b), 811(c), 812(a), 812(b), and 812(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789d(c), 3789f(a), 3789f(b), 3789f(c), 3789g(a), 3789g(b), and 3789g(d)) shall apply with respect to the administration of and compliance with this title, except that for purposes of this Act—

''(1) any reference to the Office of Justice Programs in such sections shall be considered to be a reference to the Assistant Attorney General who heads the Office of Justice Programs; and

''(2) the term 'this title' as it appears in such sections shall be considered to be a reference to this title.

''(c) APPLICABILITY OF CERTAIN OTHER CRIME CONTROL PROVISIONS.—Sections 801(a), 801(c), and 806 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711(a), 3711(c), and 3787) shall apply with respect to the administration of and compliance with this title, except that, for purposes of this title—

''(1) any reference to the Attorney General, the Assistant Attorney General who heads the Office of Justice Programs, the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, or the Director of the Bureau of Justice Assistance shall be considered to be a reference to the Administrator;

''(2) any reference to the Office of Justice Programs, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics shall be considered to be a reference to the Office of Juvenile Crime Control and Prevention; and

''(3) the term 'this title' as it appears in those sections shall be considered to be a reference to this title.

''(d) RULES, REGULATIONS, AND PROCEDURES.—The Administrator may, after appropriate consultation with representatives of States and units of local government, and an opportunity for notice and comment in accordance with subchapter II of chapter 5 of title 5, United States Code, establish such rules, regulations, and procedures as are necessary for the exercise of the functions of the Office and as are consistent with the purpose of this Act.

''(e) WITHHOLDING.—The Administrator shall initiate such proceedings as the Administrator determines to be appropriate if the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this title, finds that—

''(1) the program or activity for which the grant or contract involved was made has been so changed that the program or activity no longer complies with this title; or

''(2) in the operation of such program or activity there is failure to comply substantially with any provision of this title.''.

(b) REPEAL.—Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5781 et seq.) is repealed.

SEC. 103. JUVENILE OFFENDER ACCOUNTABILITY.

(a) GRANT PROGRAM.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee et seq.) is amended to read as follows:

''PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

''SEC. 1801. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Attorney General is authorized to provide grants to States, for use by States and units of local government, and in certain cases directly to specially qualified units.

''(b) AUTHORIZED ACTIVITIES.—Amounts paid to a State or a unit of local government under this part shall be used by the State or unit of local government for the purpose of strengthening the juvenile justice system, which includes—

''(1) developing, implementing, and administering graduated sanctions for juvenile offenders;

''(2) building, expanding, renovating, or operating temporary or permanent juvenile correction, detention, or community corrections facilities;

''(3) hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and funding pretrial services for juvenile offenders, to promote the effective and expeditious administration of the juvenile justice system;

''(4) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and case backlogs reduced;

''(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively and for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

''(6) establishing and maintaining training programs for law enforcement and other court personnel with respect to preventing and controlling juvenile crime;

''(7) establishing juvenile gun courts for the prosecution and adjudication of juvenile firearms offenders;

''(8) establishing drug court programs for juvenile offenders that provide continuing judicial supervision over juvenile offenders with substance abuse problems and the integrated administration of other sanctions and services for such offenders;

''(9) establishing and maintaining a system of juvenile records designed to promote public safety;

''(10) establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts;

''(11) establishing and maintaining accountability-based programs designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies;

''(12) establishing and maintaining programs to conduct risk and need assessments of juvenile offenders that facilitate the effective early intervention and the provision of comprehensive services, including mental health screening and treatment and substance abuse testing and treatment to such offenders;

''(13) establishing and maintaining accountability-based programs that are designed to enhance school safety;

''(14) establishing and maintaining restorative justice programs;

''(15) establishing and maintaining programs to enable juvenile courts and juvenile probation officers to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism; and

''(16) hiring detention and corrections personnel, and establishing and maintaining training programs for such personnel to improve facility practices and programming.

''(c) DEFINITION.—In this section the term 'restorative justice program' means—

''(1) a program that emphasizes the moral accountability of an offender toward the victim and the affected community; and

''(2) may include community reparations boards, restitution (in the form of monetary payment or service to the victim or, where no victim can be identified, service to the affected community), and mediation between victim and offender.

''SEC. 1802. GRANT ELIGIBILITY.

''(a) STATE ELIGIBILITY.—To be eligible to receive a grant under this part, a State shall submit to the Attorney General an application at such time, in such form, and containing such assurances and information as the Attorney General may require by guidelines, including—

''(1) information about—

''(A) the activities proposed to be carried out with such grant; and

''(B) the criteria by which the State proposes to assess the effectiveness of such activities on achieving the purposes of this part; and

''(2) assurances that the State and any unit of local government to which the State provides funding under section 1803(b), has in effect (or shall have in effect, not later than 1 year after the date that the State submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the State submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).

''(b) LOCAL ELIGIBILITY.—

''(1) SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government, other than a specially qualified unit, shall provide to the State—

''(A) information about—

''(i) the activities proposed to be carried out with such subgrant; and

''(ii) the criteria by which the unit proposes to assess the effectiveness of such activities on achieving the purposes of this part; and

''(B) such assurances as the State shall require, that, to the maximum extent applicable, the unit of local government has in effect (or shall have in effect, not later than 1 year after the date that the unit submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the unit submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).

''(2) SPECIAL RULE.—The requirements of paragraph (1) shall apply to a specially qualified unit that receives funds from the Attorney General under section 1803(e), except that information that is otherwise required to be submitted to the State shall be submitted to the Attorney General.

''(c) GRADUATED SANCTIONS.—A system of graduated sanctions, which may be discretionary as provided in subsection (d), shall ensure, at a minimum, that—

''(1) sanctions are imposed on a juvenile offender for each delinquent offense;

''(2) sanctions escalate in intensity with each subsequent, more serious delinquent offense;

''(3) there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender; and

''(4) appropriate consideration is given to public safety and victims of crime.

''(d) DISCRETIONARY USE OF SANCTIONS.—

''(1) VOLUNTARY PARTICIPATION.—A State or unit of local government may be eligible to receive a grant under this part if—

''(A) its system of graduated sanctions is discretionary; and

''(B) it demonstrates that it has promoted the use of a system of graduated sanctions by taking steps to encourage implementation of such a system by juvenile courts.

''(2) REPORTING REQUIREMENT IF GRADUATED SANCTIONS NOT USED.—

''(A) JUVENILE COURTS.—A State or unit of local government in which the imposition of graduated sanctions is discretionary shall require each juvenile court within its jurisdiction—

''(i) which has not implemented a system of graduated sanctions, to submit an annual report that explains why such court did not implement graduated sanctions; and

''(ii) which has implemented a system of graduated sanctions but has not imposed graduated sanctions in all cases, to submit an annual report that explains why such court did not impose graduated sanctions in all cases.

''(B) UNITS OF LOCAL GOVERNMENT.—Each unit of local government, other than a specially qualified unit, that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the State each year.

''(C) STATES.—Each State and specially qualified unit that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the Attorney General each year. A State shall also collect and submit to the Attorney General the information collected under subparagraph (B).

''(e) DEFINITIONS.—In this section:

''(1) DISCRETIONARY.—The term 'discretionary' means that a system of graduated sanctions is not required to be imposed by each and every juvenile court in a State or unit of local government.

''(2) SANCTIONS.—The term 'sanctions' means tangible, proportional consequences that hold the juvenile offender accountable for the offense committed. A sanction may include counseling, restitution, community service, a fine, supervised probation, or confinement.

"SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.

''(a) STATE ALLOCATION.—

''(1) IN GENERAL.—In accordance with regulations promulgated pursuant to this part and except as provided in paragraph (3), the Attorney General shall allocate—

''(A) 0.25 percent for each State; and

''(B) of the total funds remaining after the allocation under subparagraph (A), to each State, an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of people under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of people under the age of 18 of all the States for such fiscal year.

''(2) PROHIBITION.—No funds allocated to a State under this subsection or received by a State for distribution under subsection (b) may be distributed by the Attorney General or by the State involved for any program other than a program contained in an approved application.

''(b) LOCAL DISTRIBUTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each State which receives funds under subsection (a)(1) in a fiscal year shall distribute among units of local government, for the purposes specified in section 1801, not less than 75 percent of such amounts received.

''(2) WAIVER.—The percentage referred to in paragraph (1) shall equal the percentage determined by subtracting the State percentage from 100 percent, if a State submits to the Attorney General an application for waiver that demonstrates and certifies to the Attorney General that—

''(A) the State's juvenile justice expenditures in the fiscal year preceding the date in which an application is submitted under this part (the 'State percentage') is more than 25 percent of the aggregate amount of juvenile justice expenditures by the State and its eligible units of local government; and

''(B) the State has consulted with as many units of local government in such State, or organizations representing such units, as practicable regarding the State's calculation of expenditures under subparagraph (A), the State's application for waiver under this paragraph, and the State's proposed uses of funds.

''(3) ALLOCATION.—In making the distribution under paragraph (1), the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as—

''(A) the sum of—

''(i) the product of—

''(I) three-quarters; multiplied by

''(II) the average juvenile justice expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

''(ii) the product of—

''(I) one-quarter; multiplied by

''(II) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

''(B) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

''(4) EXPENDITURES.—The allocation any unit of local government shall receive under paragraph (3) for a payment period shall not exceed 100 percent of juvenile justice expenditures of the unit for such payment period.

''(5) REALLOCATION.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (4) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

''(c) UNAVAILABILITY OF DATA FOR UNITS OF LOCAL GOVERNMENT.—If the State has reason to believe that the reported rate of part 1 violent crimes or juvenile justice expenditures for a unit of local government is insufficient or inaccurate, the State shall—

''(1) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

''(2) if necessary, use the best available comparable data regarding the number of violent crimes or juvenile justice expenditures for the relevant years for the unit of local government.

''(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS THAN $10,000.—If under this section a unit of local government is allocated less than $10,000 for a payment period, the amount allotted shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

''(e) DIRECT GRANTS TO SPECIALLY QUALIFIED UNITS.—

''(1) IN GENERAL.—If a State does not qualify or apply for funds reserved for allocation under subsection (a) by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 75 percent of the allocation that the State would have received under subsection (a) for such fiscal year to provide grants to specially qualified units which meet the requirements for funding under section 1802.

''(2) AWARD BASIS.—In addition to the qualification requirements for direct grants for specially qualified units the Attorney General may use the average amount allocated by the States to units of local government as a basis for awarding grants under this section.

"SEC. 1804. GUIDELINES.

''(a) IN GENERAL.—The Attorney General shall issue guidelines establishing procedures under which a State or unit of local government that receives funds under section 1803 is required to provide notice to the Attorney General regarding the proposed use of funds made available under this part.

''(b) ADVISORY BOARD.—

''(1) IN GENERAL.—The guidelines referred to in subsection (a) shall include a requirement that such eligible State or unit of local government establish and convene an advisory board to review the proposed uses of such funds.

''(2) MEMBERSHIP.—The board shall include representation from, if appropriate—

''(A) the State or local police department;

''(B) the local sheriff's department;

''(C) the State or local prosecutor's office;

''(D) the State or local juvenile court;

''(E) the State or local probation officer;

''(F) the State or local educational agency;

''(G) a State or local social service agency;

''(H) a nonprofit, nongovernmental victim advocacy organization; and

''(I) a nonprofit, religious, or community group.

"SEC. 1805. PAYMENT REQUIREMENTS.

''(a) TIMING OF PAYMENTS.—The Attorney General shall pay to each State or unit of local government that receives funds under section 1803 that has submitted an application under this part not later than the later of—

''(1) 180 days after the date that the amount is available, or

''(2) the first day of the payment period if the State has provided the Attorney General with the assurances required by subsection (c).

''(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

''(1) REPAYMENT REQUIRED.—From amounts awarded under this part, a State or specially qualified unit shall repay to the Attorney General, before the expiration of the 36-month period beginning on the date of the award, any amount that is not expended by such State or unit.

''(2) EXTENSION.—The Attorney General may adopt policies and procedures providing for a one-time extension, by not more than 12 months, of the period referred to in paragraph (1).

''(3) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Attorney General shall reduce payment in future payment periods accordingly.

''(4) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to States and specially qualified units.

''(c) ADMINISTRATIVE COSTS.—A State or unit of local government that receives funds under this part may use not more than 5 percent of such funds to pay for administrative costs.

''(d) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to States and units of local government shall not be used to supplant State or local funds as the case may be, but shall be used to increase the amount of funds that would, in the absence of funds made available under this part, be made available from State or local sources, as the case may be.

''(e) MATCHING FUNDS.—

''(1) IN GENERAL.—The Federal share of a grant received under this part may not exceed 90 percent of the total program costs.

''(2) CONSTRUCTION OF FACILITIES.—Notwithstanding paragraph (1), with respect to the cost of constructing juvenile detention or correctional facilities, the Federal share of a grant received under this part may not exceed 50 percent of approved cost.

"SEC. 1806. UTILIZATION OF PRIVATE SECTOR.

''Funds or a portion of funds allocated under this part may be used by a State or unit of local government that receives a grant under this part to contract with private, nonprofit entities, or community-based organizations to carry out the purposes specified under section 1801(b).

"SEC. 1807. ADMINISTRATIVE PROVISIONS.

''(a) IN GENERAL.—A State or specially qualified unit that receives funds under this part shall—

''(1) establish a trust fund in which the government will deposit all payments received under this part;

''(2) use amounts in the trust fund (including interest) during the period specified in section 1805(b)(1) and any extension of that period under section 1805(b)(2);

''(3) designate an official of the State or specially qualified unit to submit reports as the Attorney General reasonably requires, in addition to the annual reports required under this part; and

''(4) spend the funds only for the purposes under section 1801(b).

''(b) TITLE I PROVISIONS.—Except as otherwise provided, the administrative provisions of part H shall apply to this part and for purposes of this section any reference in such provisions to title I shall be deemed to include a reference to this part.

"SEC. 1808. ASSESSMENT REPORTS.

''(a) REPORTS TO ATTORNEY GENERAL.—

''(1) IN GENERAL.—Except as provided in paragraph (2), for each fiscal year for which a grant or subgrant is awarded under this

part, each State or unit of local government that receives such a grant or subgrant shall submit to the Attorney General a report, at such time and in such manner as the Attorney General may reasonably require, which report shall include—

''(A) a summary of the activities carried out with such grant or subgrant; and

''(B) an assessment of the effectiveness of such activities on achieving the purposes of this part.

''(2) WAIVERS.—The Attorney General may waive the requirement of an assessment in paragraph (1)(B) for a State or unit of local government if the Attorney General determines that—

''(A) the nature of the activities are such that assessing their effectiveness would not be practical or insightful;

''(B) the amount of the grant or subgrant is such that carrying out the assessment would not be an effective use of those amounts; or

''(C) the resources available to the State or unit are such that carrying out the assessment would pose a financial hardship on the State or unit.

''(b) REPORTS TO CONGRESS.—Not later than 90 days after the last day of each fiscal year for which 1 or more grants are awarded under this part, the Attorney General shall submit to the Congress a report, which shall include—

''(1) a summary of the information provided under subsection (a);

''(2) the assessment of the Attorney General of the grant program carried out under this part; and

''(3) such other information as the Attorney General considers appropriate.

''SEC. 1809. DEFINITIONS.

''In this part:

''(1) UNIT OF LOCAL GOVERNMENT.—The term 'unit of local government' means—

''(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes;

''(B) any law enforcement district or judicial enforcement district that—

''(i) is established under applicable State law; and

''(ii) has the authority, in a manner independent of other State entities, to establish a budget and raise revenues; and

''(C) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

''(2) SPECIALLY QUALIFIED UNIT.—The term 'specially qualified unit' means a unit of local government which may receive funds under this part only in accordance with section 1803(e).

''(3) STATE.—The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as 1 State and that, for purposes of section 1803(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

''(4) JUVENILE.—The term 'juvenile' means an individual who is 17 years of age or younger.

''(5) JUVENILE JUSTICE EXPENDITURES.—The term 'juvenile justice expenditures' means expenditures in connection with the juvenile justice system, including expenditures in connection with such system to carry out—

''(A) activities specified in section 1801(b); and

''(B) other activities associated with prosecutorial and judicial services and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this part.

''(6) PART 1 VIOLENT CRIMES.—The term 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

''SEC. 1810. AUTHORIZATION OF APPROPRIATIONS.

''(a) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—

''(1) IN GENERAL.—Of the amount authorized to be appropriated under section 261 of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.), there shall be available to the Attorney General, for each of the fiscal years 2002 through 2007 (as applicable), to remain available until expended—

''(A) not more than 2 percent of that amount, for research, evaluation, and demonstration consistent with this part;

''(B) not more than 1 percent of that amount, for training and technical assistance; and

''(C) not more than 1 percent, for administrative costs to carry out the purposes of this part.

''(2) OVERSIGHT PLAN.—The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.

''(b) FUNDING SOURCE.—Appropriations for activities authorized in this part may be made from the Violent Crime Reduction Trust Fund.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act.

(c) TRANSITION OF JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANTS PROGRAM.—For each grant made from amounts made available for the Juvenile Accountability Incentive Block Grants program (as described under the heading ''VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' in the Department of Justice Appropriations Act, 2000 (as enacted by Public Law 106–113; 113 Stat. 1537–14)), the grant award shall remain available to the grant recipient for not more than 36 months after the date of receipt of the grant.

SEC. 104. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) IN GENERAL.—Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) for fiscal year 2002, $6,025,000,000;

''(2) for fiscal year 2003, $6,169,000,000;

''(3) for fiscal year 2004, $6,316,000,000;

''(4) for fiscal year 2005, $6,458,000,000;

''(5) for fiscal year 2006, $6,616,000,000; and

''(6) for fiscal year 2007, $6,774,000,000.''.

(b) DISCRETIONARY LIMITS.—Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211 et seq.) is amended by inserting after section 310001 the following:

''SEC. 310002. DISCRETIONARY LIMITS.

''For the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), the term 'discretionary spending limit' means—

''(1) with respect to fiscal year 2002—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,025,000,000 in new budget authority and $5,718,000,000 in outlays;

''(2) with respect to fiscal year 2003—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,169,000,000 in new budget authority and $6,020,000,000 in outlays;

''(3) with respect to fiscal year 2004—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,316,000,000 in new budget authority and $6,161,000,000 in outlays;

''(4) with respect to fiscal year 2005—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,458,000,000 in new budget authority and $6,303,000,000 in outlays;

''(5) with respect to fiscal year 2006—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,616,000,000 in new budget authority and $6,452,000,000 in outlays; and

''(6) with respect to fiscal year 2007—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) and determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,774,000,000 in new budget authority and $6,606,000,000 in outlays;

as adjusted in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) and section 314 of the Congressional Budget Act of 1974;''.

TITLE II—PROTECTING CHILDREN FROM VIOLENCE

Subtitle A—Gun Show Background Checks

SECTION 201. SHORT TITLE.

This subtitle may be cited as the ''Gun Show Background Check Act of 2001''.

SEC. 202. FINDINGS.

Congress finds that—

(1) more than 4,400 traditional gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and nonlicensed firearms sellers;

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by Federal firearms licensees and nonlicensed firearms sellers, form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) in fact, even before a firearm is exhibited or offered for sale or exchange at a gun

show, flea market, or other organized event, the gun, its component parts, ammunition, and the raw materials from which it is manufactured have moved in interstate commerce;

(5) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location at which firearms may be bought and sold anonymously, often without background checks and without records that enable gun tracing;

(6) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons obtain guns without background checks and frequently use guns that cannot be traced to later commit crimes;

(7) many persons who buy and sell firearms at gun shows, flea markets, and other organized events cross State lines to attend these events and engage in the interstate transportation of firearms obtained at these events;

(8) gun violence is a pervasive, national problem that is exacerbated by the availability of guns at gun shows, flea markets, and other organized events;

(9) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and

(10) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this subtitle, that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events.

SEC. 203. EXTENSION OF BRADY BACKGROUND CHECKS TO GUN SHOWS.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(35) GUN SHOW.—The term 'gun show' means any event—

''(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

''(B) at which—

''(i) not less than 20 percent of the exhibitors are firearm exhibitors;

''(ii) there are not less than 10 firearm exhibitors; or

''(iii) 50 or more firearms are offered for sale, transfer, or exchange.

''(36) GUN SHOW PROMOTER.—The term 'gun show promoter' means any person who organizes, plans, promotes, or operates a gun show.

''(37) GUN SHOW VENDOR.—The term 'gun show vendor' means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether or not the person arranges with the gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.''

(b) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 931. Regulation of firearms transfers at gun shows

''(a) REGISTRATION OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

''(1) registers with the Secretary in accordance with regulations promulgated by the Secretary; and

''(2) pays a registration fee, in an amount determined by the Secretary.

''(b) RESPONSIBILITIES OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

''(1) before commencement of the gun show, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(1)) of the vendor containing a photograph of the vendor;

''(2) before commencement of the gun show, requires each gun show vendor to sign—

''(A) a ledger with identifying information concerning the vendor; and

''(B) a notice advising the vendor of the obligations of the vendor under this chapter; and

''(3) notifies each person who attends the gun show of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe; and

''(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

''(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

''(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

''(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

''(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Secretary to impose recordkeeping requirements on any nonlicensed vendor.

''(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

''(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

''(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

''(e) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall—

''(1) enter such information about the firearm as the Secretary may require by regulation into a separate bound record;

''(2) record the transfer on a form specified by the Secretary;

''(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor), and notify the nonlicensed transferor and the nonlicensed transferee—

''(A) of such compliance; and

''(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

''(4) not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

''(A) shall be on a form specified by the Secretary by regulation; and

''(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

''(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be—

''(A) prepared on a form specified by the Secretary; and

''(B) not later than the close of business on the date on which the transfer occurs, forwarded to—

''(i) the office specified on the form described in subparagraph (A); and

''(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

''(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

''(f) RECORDS OF LICENSEE TRANSFERS.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

''(1) shall be in a form specified by the Secretary by regulation;

''(2) shall not include the name of or other identifying information relating to the transferee; and

''(3) shall not duplicate information provided in any report required under subsection (e)(4).

''(g) FIREARM TRANSACTION DEFINED.—In this section, the term 'firearm transaction'—

''(1) includes the offer for sale, sale, transfer, or exchange of a firearm; and

''(2) does not include the mere exhibition of a firearm.''.

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(7)(A) Whoever knowingly violates section 931(a) shall be fined under this title, imprisoned not more than 5 years, or both.

''(B) Whoever knowingly violates subsection (b) or (c) of section 931, shall be—

''(i) fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

''(C) Whoever willfully violates section 931(d), shall be—

''(i) fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

''(D) Whoever knowingly violates subsection (e) or (f) of section 931 shall be fined under this title, imprisoned not more than 5 years, or both.

''(E) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates any provision of section 931—

''(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

''(ii) impose a civil fine in an amount equal to not more than $10,000.''.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the chapter analysis, by adding at the end the following:

''931. Regulation of firearms transfers at gun shows.'';

and

(B) in the first sentence of section 923(j), by striking ''a gun show or event'' and inserting ''an event''; and

(c) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

''(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.''.

(d) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

''(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

''(B) If the violation described in subparagraph (A) is in relation to an offense—

''(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

''(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.''.

(e) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(A) in paragraph (5), by striking ''subsection (s) or (t) of section 922'' and inserting ''section 922(s)''; and

(B) by adding at the end the following:

''(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.''.

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of title 18, United States Code, is amended by striking ''and, at the time'' and all that follows through ''State law''.

(f) GUN OWNER PRIVACY AND PREVENTION OF FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting before the period at the end the following: '', as soon as possible, consistent with the responsibility of the Attorney General under section 103(h) of the Brady Handgun Violence Prevention Act to ensure the privacy and security of the system and to prevent system fraud and abuse, but in no event later than 90 days after the date on which the licensee first contacts the system with respect to the transfer''.

(g) EFFECTIVE DATE.—This subtitle and the amendments made by this subtitle shall take effect 180 days after the date of enactment of this Act.

Subtitle B—Gun Ban for Dangerous Juvenile Offenders

SEC. 211. PERMANENT PROHIBITION ON FIREARMS TRANSFERS TO OR POSSESSION BY DANGEROUS JUVENILE OFFENDERS.

(a) DEFINITION.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) by inserting ''(A)'' after ''(20)'';

(2) by redesignating subparagraphs ''(A)'' and ''(B)'' as clauses ''(i)'' and ''(ii), respectively'';

(3) by inserting after subparagraph (A) the following:

''(B) For purposes of subsections (d) and (g) of section 922, the term 'adjudicated delinquent' means an adjudication of delinquency based upon a finding of the commission that an act by a person prior to the eighteenth birthday of that person, if committed by an adult, would be a serious drug offense or violent felony (as defined in section 3559(c)(2) of this title), on or after the date of enactment of this paragraph.''; and

(4) by striking ''What constitutes'' through the end and inserting the following: ''What constitutes a conviction of such a crime or an adjudication of delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of delinquency which has been expunged or set aside or for which a person has been pardoned or has had civil rights restored by the jurisdiction in which the conviction or adjudication of delinquency occurred shall be considered a conviction or adjudication of delinquency unless (i) the expunction, set aside, pardon or restoration of civil rights is directed to a specific person, (ii) the State authority granting the expunction, set aside, pardon or restoration of civil rights has expressly determined that the circumstances regarding the conviction and the person's record and reputation are such that the person will not act in a manner dangerous to public safety, and (iii) the expunction, set aside, pardon, or restoration of civil rights expressly authorizes the person to ship, transport, receive or possess firearms. The requirement of this subparagraph for an individualized restoration of rights shall apply whether or not, under State law, the person's civil rights were taken away by virtue of the conviction or adjudication.''.

(b) PROHIBITION.—Section 922 of title 18, United States Code is amended—

(1) in subsection (d)—

(A) by striking ''or'' at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting ''; or;'' and

(C) by inserting after paragraph (9) the following:

''(10) has been adjudicated delinquent.''; and

(2) in subsection (g)—

(A) by striking ''or'' at the end of paragraph (8);

(B) by striking the comma at the end of paragraph (9) and inserting ''; or'', and

(C) by inserting after paragraph (9) the following:

''(10) who has been adjudicated delinquent,''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Subtitle C—Child Safety Locks

SECTION 221. SHORT TITLE.

This subtitle may be cited as the ''Child Safety Lock Act of 2001''.

SEC. 222. REQUIREMENT OF CHILD HANDGUN SAFETY LOCKS.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(38) The term 'locking device' means a device or locking mechanism—

''(A) that—

''(i) if installed on a firearm and secured by means of a key or a mechanically, electronically, or electromechanically operated combination lock, is designed to prevent the firearm from being discharged without first deactivating or removing the device by means of a key or mechanically, electronically, or electromechanically operated combination lock;

''(ii) if incorporated into the design of a firearm, is designed to prevent discharge of the firearm by any person who does not have access to the key or other device designed to unlock the mechanism and thereby allow discharge of the firearm; or

''(iii) is a safe, gun safe, gun case, lock box, or other device that is designed to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means; and

''(B) that is approved by a licensed firearms manufacturer for use on the handgun with which the device or locking mechanism is sold, delivered, or transferred.''.

(b) UNLAWFUL ACTS.—

(1) IN GENERAL.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

''(z) LOCKING DEVICES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than a licensed manufacturer, licensed importer, or licensed dealer, unless the transferee is provided with a locking device for that handgun.

''(2) EXCEPTIONS.—Paragraph (1) does not apply to—

''(A) the—

''(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a firearm; or

''(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a firearm for law enforcement purposes (whether on or off duty); or

''(B) the transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a firearm for purposes of law enforcement (whether on or off duty).''.

(2) EFFECTIVE DATE.—Section 922(y) of title 18, United States Code, as added by this subsection, shall take effect 180 days after the date of enactment of this Act.

(c) LIABILITY; EVIDENCE.—

(1) LIABILITY.—Nothing in this section shall be construed to—

(A) create a cause of action against any firearms dealer or any other person for any civil liability; or

(B) establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this section.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(y) of that title.

(d) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking ''or (f)'' and inserting ''(f), or (p)''; and

(2) by adding at the end the following:

''(p) PENALTIES RELATING TO LOCKING DEVICES.—

''(1) IN GENERAL.—

''(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of section 922(y)(1) by a licensee, the Secretary may, after notice and opportunity for a hearing—

''(i) suspend or revoke any license issued to the licensee under this chapter; or

''(ii) subject the licensee to a civil penalty in an amount equal to not more than $10,000.

''(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

''(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.''.

SEC. 223. AMENDMENT OF CONSUMER PRODUCT SAFETY ACT.

(a) IN GENERAL.—The Consumer Product Safety Act (15 U.S.C. 2051 et seq.) is amended by adding at the end the following:

''SEC. 38. CHILD HANDGUN SAFETY LOCKS.

''(a) ESTABLISHMENT OF STANDARD.—

''(1) IN GENERAL.—

''(A) RULEMAKING REQUIRED.—Notwithstanding section 3(a)(1)(E) of this Act, the Commission shall initiate a rulemaking proceeding under section 553 of title 5, United States Code, within 90 days after the date of enactment of the Child Safety Lock Act of 2001 to establish a consumer product safety standard for locking devices. The Commission may extend the 90-day period for good cause. Notwithstanding any other provision of law, including chapter 5 of title 5, United States Code, the Commission shall promulgate a final consumer product safety standard under this paragraph within 12 months after the date on which it initiated the rulemaking. The Commission may extend that 12-month period for good cause. The consumer product safety standard promulgated under this paragraph shall take effect 6 months after the date on which the final standard is promulgated.

''(B) STANDARD REQUIREMENTS.—The standard promulgated under subparagraph (A) shall require locking devices that—

''(i) are sufficiently difficult for children to deactivate or remove; and

''(ii) prevent the discharge of the handgun unless the locking device has been deactivated or removed.

''(2) CERTAIN PROVISIONS NOT TO APPLY.—

''(A) PROVISIONS OF THIS ACT.—Sections 7, 9, and 30(d) of this Act do not apply to the rulemaking proceeding under paragraph (1). Section 11 of this Act does not apply to any consumer product safety standard promulgated under paragraph (1).

''(B) CHAPTER 5 OF TITLE 5.—Except for section 553, chapter 5 of title 5, United States Code, does not apply to this section.

''(C) CHAPTER 6 OF TITLE 5.—Chapter 6 of title 5, United States Code, does not apply to this section.

''(D) NATIONAL ENVIRONMENTAL POLICY ACT.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321) does not apply to this section.

''(b) NO EFFECT ON STATE LAW.—Notwithstanding section 26 of this Act, this section does not annul, alter, impair, affect, or exempt any person subject to the provisions of this section from complying with any provision of the law of any State or any political subdivision of a State, except to the extent that such provisions of State law are inconsistent with any provision of this section, and then only to the extent of the inconsistency. A provision of State law is not inconsistent with this section if such provision affords greater protection to children with respect to handguns than is afforded by this section.

''(c) ENFORCEMENT.—Notwithstanding subsection (a)(2)(A), the consumer product safety standard promulgated by the Commission under subsection (a) shall be enforced under this Act as if it were a consumer product safety standard described in section 7(a).

''(d) DEFINITIONS.—In this section:

''(1) CHILD.—The term 'child' means an individual who has not attained the age of 13 years.

''(2) LOCKING DEVICE.—The term 'locking device' has the meaning given that term in clauses (i) and (iii) of section 921(a)(38)(A) of title 18, United States Code.''.

(b) CONFORMING AMENDMENT.—Section 1 of the Consumer Product Safety Act is amended by adding at the end of the table of contents the following:

''Sec. 38. Child handgun safety locks.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Consumer Product Safety Commission $2,000,000 to carry out the provisions of section 38 of the Consumer Product Safety Act, such sums as necessary to remain available until expended.

Mr. KOHL. Mr. President, I rise today with Senator BIDEN to introduce the Juvenile Crime Prevention and Control Act of 2001.

This bill is an important step forward in the debate on juvenile justice. It is a comprehensive approach that recognizes prevention and enforcement are indispensable partners in combating juvenile crime. This bill addresses the issues most important to our communities, to the police, to the teachers, to the social workers, and most importantly, to the at-risk children whom we need to help. The legislation does this by giving crime prevention programs the priority, attention, and funding they deserve while recognizing that enforcement programs are indispensable to safer communities.

Let me focus on one part of the legislation. The Juvenile Crime Prevention and Control Act increases the authorization of Title V, the Community Prevention Grant program, to $250 million. I worked closely with Senator Hank Brown to create the Title V program in 1992 because we listened to local law enforcement experts who told us that prevention works. Almost a decade later, they still say the same thing: a crime bill without adequate prevention is only a half-measure. That's just common sense.

Congress has slowly realized the merits of crime prevention funding. Since 1992, funding for Title V has increased from $20 million to $95 million. Unfortunately, almost two-thirds of that money has been consistently earmarked for purposes other than crime and delinquency prevention. The bill remedies this problem by ensuring that at least 75 percent of all Title V Community Prevention Grants be spent on pure prevention and not set aside for other purposes.

We now know that crime prevention programs like Title V work. Studies prove that crime prevention programs mean less crime. For example, a RAND Study found that crime prevention efforts were three times more cost-effective than increased punishment. A study of the Big Brothers/Big Sisters' mentoring program showed that mentees were 46 percent less likely to use drugs, 27 percent less likely to use alcohol, 33 percent less likely to commit assault, and skipped 50 percent fewer days of school. A University of Wisconsin study of 64 after-school programs found that participating children became better students and developed improved conflict resolution skills; in addition, vandalism decreased at one third of the schools that participated in the programs.

One of the reasons these programs work is that Title V is designed to let the people with the real expertise do what they know best. Title V is a flexible program of direct local grants. The flexibility permits each locality, through a local planning board of experts from the community, to determine how to best fight juvenile crime and delinquency. Title V trusts each community to address its unique problems.

Law enforcement officials appreciate the importance of juvenile crime prevention programs and crave more. Last year, I surveyed every sheriff and chief of police in Wisconsin and found that 100 percent of Wisconsin's sheriffs and 100 percent of the police chiefs of Wisconsin's largest cities who responded to

the questionnaire believe more Federal money needs to be spent on crime prevention programs. Similarly, more than 80 percent of the police chiefs of small and mid-size cities in Wisconsin want more prevention funding.

When asked how much of Federal juvenile crime funding should go to prevention, these same law enforcement officials answer that close to 40 percent should be spent on prevention programs, far more than the current level of prevention funding. The Juvenile Crime Prevention and Control Act of 2001 listens to what local law enforcement experts have been telling us for years and addresses their needs.

Of course, prevention is not the sole answer to juvenile crime. Indeed, we need a comprehensive crime-fighting strategy aimed at juvenile offenders and potential offenders, from violent predators to children at-risk of becoming delinquent. This legislation understands that. Tough law enforcement plays an essential role. Certain violent juveniles should be incarcerated, and hopefully rehabilitated, and this bill provides the States with sufficient funds to get them off the streets and safeguard our communities.

Finally, no sensible juvenile crime fighting strategy is complete if it does not address the toxic combination of children and guns. This bill does that as well by mandating the sale of child safety locks with every handgun and insisting that those locks are designed well enough to work as intended.

Each year, teenagers and children are involved in more than 10,000 accidental shootings in which close to 800 people die. In addition, every year 1,300 children use firearms to commit suicide. Safety locks can be effective in deterring some of these incidents and in preventing others.

The sad truth is that we are inviting disaster every time an unlocked gun is stored but is still easily accessible to children. In fact, guns are kept in 43 percent of American households with children. In 23 percent of the gun households, the guns are kept loaded. And, in one out of every eight of those homes the guns are left unlocked.

During the last decade, crime rates, including juvenile crime rates, have decreased. Since 1994, the juvenile arrest rate for violent crime has dropped 36 percent. Nonetheless, the public perceives that juvenile crime is a growing problem, especially school violence.

We need to remain vigilant and think creatively about how to maintain this trend in falling juvenile crime. This measure provides a comprehensive approach. Prevention, enforcement, and keeping guns out of the hands of children are three essential elements to a common sense juvenile crime strategy.

By Mr. BINGAMAN (for himself and Mr. DEWINE):

S. 1166. A bill to establish the Next Generation Lighting Initiative at the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today with Senator DEWINE to introduce a bill authorizing the Secretary of Energy to lead the United States into the next generation of lighting technology. If this bill is enacted, I believe it will allow us not only to maintain a world leadership role that Thomas Edison started, but promote efficiency advances in a market which consumes 19 percent of our electrical energy supply.

Lighting is a 40-billion-dollar global industry. The United States occupies roughly one-third of that market. It's an extremely competitive industry whose technology has been well established over the course of 80 years. Today's lighting market primarily consists of two technologies. The first technology is incandescent lighting, it's the one Thomas Edison invented over 100 years ago. Incandescent lighting relies on running a current through a wire to heat it up and illuminate your surroundings. Only 5 percent of the electricity in a conventional bulb is converted into visible light. The second type of lighting is fluorescent lights, which use a combination of chemical vapors, mainly mercury, to discharge light when current is passed through it. Flourescent lights are six times more efficient than a light bulb.

As I have mentioned, today's lighting uses up about 19 percent of our electricity supply. In 1998, lighting electricity cost about 47 billion dollars which accounted for about 100 million tons of carbon equivalent from fossil energy plants.

Today, this paradigm is changing, because some scientists recently made a leap ahead in lighting research. Technology leaps displace, very quickly, traditional markets. We know the stories all too well, the horse courier, the telegraph, the telephone and finally the Internet.

That is why Senator DEWINE and I are proposing this legislation, because some advances have been made in the areas of solid state lighting that require a national investment that no one lighting industry can match. This emerging technology has the capability to disrupt our existing lighting markets. So quickly in fact, that other countries have formed consortia between their governments, industries, laboratories and universities. Solid state lighting is being taken very seriously around the world.

Let me describe solid state lighting. The best examples are red light emitting diodes, or ''LED's'', found in digital clocks. LED's produce only one color but they do not burn up a wire like a bulb and are seven times more efficient.

Until recently LED's were limited to yellow or red. That all changed in 1995. In 1995, some Japanese researchers developed a blue LED. Soon other bright colors started to emerge, such as green. That is when things started to change. Because, white light is a combination of red, blue, the recent Japanese breakthrough, and green or yellow. The recent Japanese breakthrough of that simple blue LED has now made it possible to produce white light from LED's ten times more efficient than a light bulb.

If it is successful, white light LED's will revolutionize lighting technology and will disrupt the existing industries. It's imperative that we move quickly on these advances. We need a consortia between our government, industry, research labs and academia to develop the necessary pre-competitive research to maintain our leadership role in this field.

I would like to mention one other technology that will change lighting. That technology is found in your cell phone and on your computer screen. It's called conductive polymers. Three Nobel Prizes were just awarded for this technology. Conductive polymers offer the possibility of covering large surface areas and replacing fluorescent lamps. These materials will not only provide white light, but like your computer screen, display text or programmed color pictures. These technologies can be Internet controlled to adjust building lighting across the country.

Given these advances, I would like to describe the Next Generation Lighting Initiative Act. If enacted, it will move our country to capture these revolutionary mergers between lighting and information. It will supply the necessary pre-competitive R&D which no one industry alone can provide, and, which we as holders of the public trust of basic research owe a duty to further. It will keep the United States in a leadership role of commercial lighting while promoting energy efficiency that can either be ten times that of incandescent lights or twice that of fluorescent lights. We need to enact this legislation now.

The Next Generation Lighting Initiative authorizes the Department of Energy to grant up to $480 million over ten years to a consortium of the United States lighting industry and research institutions. The goals of the Act are to have a 25 percent penetration of solid state lighting into the commercial markets by the year 2012. The Next Generation's consortium, will perform the basic and manufacturing research. The lighting industry will take this R&D and develop the necessary technologies to make it commercially viable.

This is precompetitive research. It is research that no one industry by itself can achieve and which we have a duty to promote together with industry. It has implications for our country's energy policy far broader than economic competitiveness. It is the reduction in energy consumption that makes it a national initiative. Once the pre-competitive research is transitioned to industry then it should be terminated, we think that will take about 10 years.

If this initiative is successful, then by 2025, it can reduce our energy consumption by roughly 17 billion watts of

power or the need for 17 large electricity generating plants. That's as much as 17 million homes consume in a single day. That's more homes than in California, Oregon, and Washington combined.

So let me conclude that the Next Generation Lighting Initiative will carry the U.S. lighting industry into the twenty first century. It capitalizes on technologies that have emerged only five years ago but have the potential to quickly displace our lighting industry. This Initiative will reduce our nation's energy consumption and greenhouse gas emission. The research necessary to advance this technology requires a national investment that must be in partnership with industry.

I encourage my colleagues to review this bill, offer their comments, and, join Senator DEWINE and me in its bipartisan support. I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as ''Next Generation Lighting Initiative Act''.

SEC. 2. FINDING.

Congress finds that it is in the economic and energy security interests of the United States to encourage the development of white light emitting diodes by providing financial assistance to firms, or a consortium of firms, and supporting research organizations in the lighting development sectors.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONSORTIUM.—The term '''consortium'' means the Next Generation Lighting Initiative Consortium established under section 5(b).

(2) INORGANIC WHITE LIGHT EMITTING DIODE.—The term ''inorganic white light emitting diode'' means a semiconducting package that produces white light using externally applied voltage.

(3) LIGHTING INITIATIVE.—The term ''Lighting Initiative'' means the Next Generation Lighting Initiative established by section 4(a).

(4) ORGANIC WHITE LIGHT EMITTING DIODE.—The term ''organic white light emitting diode'' means an organic semiconducting compound that produces white light using externally applied voltage.

(5) PLANNING BOARD.—The term ''planning board'' means the Next Generation Lighting Initiative Planning Board established under section 5(a).

(6) RESEARCH ORGANIZATION.—The term ''research organization'' means an organization that performs or promotes research, development, and demonstration activities with respect to white light emitting diodes.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Energy, acting through the Assistant Secretary of Energy for Energy Efficiency and Renewable Energy.

(8) WHITE LIGHT EMITTING DIODE.—The term ''white light emitting diode'' means—

(A) an inorganic white light emitting diode; and

(B) an organic white light emitting diode.

SEC. 4. NEXT GENERATION LIGHTING INITIATIVE.

(a) ESTABLISHMENT.—There is established in the Department of Energy a lighting initiative to be known as the ''Next Generation Lighting Initiative'' to research, develop, and conduct demonstration activities on white light emitting diodes.

(b) OBJECTIVES.—

(1) IN GENERAL.—The objectives of the Lighting Initiative shall be to develop, by 2011, white light emitting diodes that, compared to incandescent and fluorescent lighting technologies, are—

(A) longer lasting;

(B) more energy-efficient; and

(C) cost-competitive.

(2) INORGANIC WHITE LIGHT EMITTING DIODE.—The objective of the Lighting Initiative with respect to inorganic white light emitting diodes shall be to develop an inorganic white light emitting diode that has an efficiency of 160 lumens per watt and a 10-year lifetime.

(3) ORGANIC WHITE LIGHT EMITTING DIODE.—The objective of the Lighting Initiative with respect to organic white light emitting diodes shall be to develop an organic white light emitting diode with an efficiency of 100 lumens per watt with a 5-year lifetime that—

(A) illuminates over a full color spectrum;

(B) covers large areas over flexible surfaces; and

(C) does not contain harmful pollutants typical of fluorescent lamps such as mercury.

SEC. 5. ADMINISTRATION.

(a) PLANNING BOARD.—

(1) IN GENERAL.—The Secretary shall establish a planning board, to be known as the ''Next Generation Lighting Initiative Planning Board'', to assist the Secretary in developing and implementing the Lighting Initiative.

(2) COMPOSITION.—The planning board shall be composed of—

(A) 4 members from universities, national laboratories, and other individuals with expertise in white lighting, to be appointed by the Secretary; and

(B) 3 members nominated by the consortium and appointed by the Secretary.

(3) STUDY.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the planning board shall complete a study on strategies for the development and implementation of white light emitting diodes.

(B) REQUIREMENTS.—The study shall—

(i) develop a comprehensive strategy to implement, through the Lighting Initiative, the use of white light emitting diodes to increase energy efficiency and enhance United States competitiveness; and

(ii) identify the research and development, manufacturing, deployment, and marketing barriers that must be overcome to achieve a goal of a 25 percent market penetration by white light emitting diode technologies into the incandescent and fluorescent lighting markets by the year 2012.

(C) IMPLEMENTATION.—As soon as practicable after the study is submitted to the Secretary, the Secretary shall implement the Lighting Initiative in accordance with the recommendations of the planning board.

(b) CONSORTIUM.—

(1) IN GENERAL.—The Secretary shall solicit the establishment of a consortium, to be known as the ''Next Generation Lighting Initiative Consortium'', to initiate and manage basic and manufacturing related research contracts on white light emitting diodes for the Lighting Initiative.

(2) COMPOSITION.—The consortium may be composed of firms, national laboratories, and other entities so that the consortium is representative of the United States solid state lighting industry as a whole.

(3) FUNDING.—The consortium shall be funded by—

(A) membership fees; and

(B) grants provided under section 6.

SEC. 6. GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall make grants to firms, the consortium, and research organizations to conduct research, development, and demonstration projects related to white light emitting diode technologies.

(b) REQUIREMENTS.—To be eligible to receive a grant under this section, a consortium shall—

(1) enter into a consortium participation agreement that—

(A) is agreed to by all members; and

(B) describes the responsibilities of participants, membership fees, and the scope of research activities; and

(2) develop a Lighting Initiative annual program plan.

(c) ANNUAL REVIEW.—

(1) IN GENERAL.—An annual independent review of firms, the consortium, and research organizations receiving a grant under this section shall be conducted by—

(A) a committee appointed by the Secretary under the Federal Advisory Committee Act (5 U.S.C. App.); or

(B) a committee appointed by the National Academy of Sciences.

(2) REQUIREMENTS.—Using clearly defined standards established by the Secretary, the review shall assess technology advances and commercial applicability of—

(A) the activities of the firms, consortium, or research organizations during each fiscal year of the grant program; and

(B) the goals of the firms, consortium, or research organizations for the next fiscal year in the annual program plan developed under subsection (b)(2).

(d) ALLOCATION AND COST SHARING.—

(1) IN GENERAL.—The amount of funds made available for any fiscal year to provide grants under this section shall be allocated in accordance with paragraphs (2) and (3).

(2) RESEARCH PROJECTS.—Funding for basic and manufacturing research projects shall be allocated to the consortium.

(3) DEVELOPMENT, DEPLOYMENT, AND DEMONSTRATION PROJECTS.—Funding for development, deployment, and demonstration projects shall be allocated to members of the consortium.

(4) COST SHARING.—Non-federal cost sharing shall be in accordance with section 3002 of the Energy Policy Act of 1992 (42 U.S.C. 13542).

(e) TECHNICAL AND FINANCIAL ASSISTANCE.—The national laboratories and other pertinent Federal agencies shall cooperate with and provide technical and financial assistance to firms, the consortium, and research organizations conducting research, development, and demonstration projects carried out under this section.

(f) AUDITS.—

(1) IN GENERAL.—The Secretary shall retain an independent, commercial auditor to determine the extent to which funds made available under this Act have been expended in a manner that is consistent with the objectives under section 4(b) and the annual operating plan of the consortium developed under subsection (b)(2).

(2) REPORTS.—The auditor shall submit to Congress, the Secretary, and the Comptroller General of the United States an annual report containing the results of the audit.

(g) APPLICABLE LAW.—The Lighting Initiative shall not be subject to the Federal Acquisition Regulation.

SEC. 7. PROTECTION OF INFORMATION.

Information obtained by the Federal Government on a confidential basis under this Act shall be considered to constitute trade secrets and commercial or financial information obtained from a person and privileged or

confidential under section 552(b)(4) of title 5, United States Code.

SEC. 8. INTELLECTUAL PROPERTY.

Members of the consortium shall have royalty-free nonexclusive rights to use intellectual property derived from consortium research conducted under this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

(1) $30,000,000 for fiscal year 2002; and

(2) $50,000,000 for each of fiscal years 2003 through 2011.

(b) AVAILABILITY.—Amounts made available under this section shall remain available until expended.

By Mrs. FEINSTEIN (for herself and Mr. HAGEL):

S. 1167. A bill to amend the Immigration and Nationality Act to permit the substitution of an alternative close family sponsor in the case of the death of the person petitioning for an alien's admission to the United States; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce on behalf of myself and Mr. HAGEL, the Family Sponsor Immigration Act of 2001. This legislation would address the situation of those whose U.S. sponsor dies while they have the chance to adjust status or receive an immigrant visa.

Under current law, a family member who petitions for a relative to receive an immigrant visa must sign a legally binding affidavit of support promising to provide for the support of the immigrant. This is the last step before a green card is issued. If the family sponsor dies while the green card application is pending, the applicant is forced to find a new sponsor and restart the application process, usually a 7- to 8-year process, or face deportation.

The legislation I have introduced today would correct this anomaly in the law by permitting another family member to stand in for the deceased sponsor and sign the affidavit. Without this legislation, another relative who qualifies as a family sponsor would have to file a new immigrant visa petition on behalf of the relative and the relative would have to go to the end of the line if the visa category is numerically limited. Thus, the beneficiary would lose his priority date for a visa based on the filing of the first petition, and in some cases, face deportation.

With the passage of this legislation, even though there may be a different sponsor, the beneficiary would not lose his or her priority date to be admitted as a permanent resident of the United States. Nor will the beneficiary be subject to deportation even though they meet all the requirements for an immigrant visa.

A classic example of this situation was presented to my office just recently. Earlier this year I introduced a private bill on behalf of Zhenfu Ge, a 73-year-old Chinese grandmother whose daughter died before the Immigration and Naturalization Service, INS, was able to complete the final stage of application process: her interview. As a result, her immigration application is no longer valid and she is now subject to deportation. The private bill I introduced would allow her to adjust her status, given that she has met all the requirements for a visa.

In previous years, I have introduced other private bills which eventually became law. One bill was on behalf of Suchada Kwong, whose husband was killed in a car accident just weeks before her final interview with the INS. In 1997, I introduced a private bill on behalf of Jasmin Salehi, a Korean immigrant who became ineligible for permanent residency after her husband was murdered at a Denny's in Reseda, California, where he worked as a manager.

In all of these cases, a family's grief was compounded by the prospect of the deportation of a family member, who had met all the requirements for a green card. This legislation is an efficient way to alleviate the need for private legislation under these circumstances by making the law more just for those who have chosen to become immigrants in our country through the legal process.

We introduce the ''Family Immigration Act of 2001,'' in the hopes that it will go further to alleviate some of hardships families face when confronted by the untimely death of a sponsor. Similar legislation has gained bipartisan support in the House of Representatives. I look forward to working with my colleagues to move it quickly through the Senate.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Family Sponsor Immigration Act of 2001''.

SEC. 2. SUBSTITUTION OF ALTERNATIVE SPONSOR IF ORIGINAL SPONSOR HAS DIED.

(a) PERMITTING SUBSTITUTION OF ALTERNATIVE CLOSE FAMILY SPONSOR IN CASE OF DEATH OF PETITIONER.—

(1) RECOGNITION OF ALTERNATIVE SPONSOR.—Section 213A(f)(5) of the Immigration and Nationality Act (8 U.S.C. 1183a(f)(5)) is amended to read as follows:

''(5) NON-PETITIONING CASES.—Such term also includes an individual who does not meet the requirement of paragraph (1)(D) but who—

''(A) accepts joint and several liability with a petitioning sponsor under paragraph (2) or relative of an employment-based immigrant under paragraph (4) and who demonstrates (as provided under paragraph (6)) the means to maintain an annual income equal to at least 125 percent of the Federal poverty line; or

''(B) is a spouse, parent, mother-in-law, father-in-law, sibling, child (if at least 18 years of age), son, daughter, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or grandchild of a sponsored alien or a legal guardian of a sponsored alien, meets the requirements of paragraph (1) (other than subparagraph (D)), and executes an affidavit of support with respect to such alien in a case in which—

''(i) the individual petitioning under section 204 for the classification of such alien died after the approval of such petition; and

''(ii) the Attorney General has determined for humanitarian reasons that revocation of such petition under section 205 would be inappropriate.''.

(2) CONFORMING AMENDMENT PERMITTING SUBSTITUTION.—Section 212(a)(4)(C)(ii) of such Act (8 U.S.C. 1182(a)(4)(C)(ii)) is amended by striking ''(including any additional sponsor required under section 213A(f))'' and inserting ''(and any additional sponsor required under section 213A(f) or any alternative sponsor permitted under paragraph (5)(B) of such section)''.

(3) ADDITIONAL CONFORMING AMENDMENTS.—Section 213A(f) of such Act (8 U.S.C. 1183a(f)) is amended, in each of paragraphs (2) and (4)(B)(ii), by striking ''(5).'' and inserting ''(5)(A).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to deaths occurring before, on, or after the date of the enactment of this Act, except that, in the case of a death occurring before such date, such amendments shall apply only if—

(1) the sponsored alien—

(A) requests the Attorney General to reinstate the classification petition that was filed with respect to the alien by the deceased and approved under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) before such death; and

(B) demonstrates that he or she is able to satisfy the requirement of section 212(a)(4)(C)(ii) of such Act (8 U.S.C. 1182(a)(4)(C)(ii)) by reason of such amendments; and

(2) the Attorney General reinstates such petition after making the determination described in section 213A(f)(5)(B)(ii) of such Act (as amended by such subsection).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 126—EXPRESSING THE SENSE OF THE SENATE REGARDING OBSERVANCE OF THE OLYMPIC TRUCE

Mr. DASCHLE (for himself, Mr. STEVENS, Mr. REID, Mr. CONRAD, Mr. HARKIN, Mr. DORGAN, and Mr. SARBANES) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 126

Whereas the Olympic Games are a unique opportunity for international cooperation and the promotion of international understanding;

Whereas the Olympic Games bring together embattled rivals in an arena of peaceful competition;

Whereas the Olympic Ideal is to serve peace, friendship, and international understanding;

Whereas participants in the ancient Olympic Games, as early as 776 B.C., observed an ''Olympic Truce'' whereby all warring parties ceased hostilities and laid down their weapons for the duration of the games and during the period of travel for athletes to and from the games;

Whereas war extracts a terrible price from the civilian populations that suffer under it, and truces during war allow for the provision of humanitarian assistance to those suffering populations;

Whereas truces may lead to a longer cessation of hostilities and, ultimately, a negotiated settlement and end to conflict;

Whereas the Olympics can and should be used as a tool for international public diplomacy, rapprochement, and building a better world;

Whereas terrorist organizations have used the Olympics not to promote international understanding but to perpetrate cowardly acts against innocent participants and spectators;

Whereas, since 1992, the International Olympic Committee has urged the international community to observe the Olympic Truce;

Whereas the International Olympic Committee and the Government of Greece established the International Olympic Truce Center in July 2000, and that Center seeks to uphold the observance of the Olympic Truce and calls for all hostilities to cease during the Olympic Games; and

Whereas the United Nations General Assembly, with the strong support of the United States, has three times called for member states to observe the Olympic Truce, most recently for the XXVII Olympiad in Sydney, Australia: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE WITH RESPECT TO THE OLYMPIC TRUCE.

(a) COMMENDATION OF THE IOC AND THE GOVERNMENT OF GREECE.—The Senate commends the efforts of the International Olympic Committee and the Government of Greece to urge the international community to observe the Olympic Truce.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States Government should join efforts to use the Olympic Truce as an instrument to promote peace and reconciliation in areas of conflict; and

(2) the President should continue efforts to work with Greece—

(A) in its preparations for a successful XXVIII Olympiad in Greece in 2004; and

(B) to uphold and extend the spirit of the Olympic Truce during the XXVIII Olympiad.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the International Olympic Committee and the Government of Greece.

SENATE RESOLUTION 127—COMMENDING GARY SISCO FOR HIS SERVICE AS SECRETARY OF THE SENATE

Mr. LOTT (for himself, Mr. DASCHLE, Mr. BYRD, and Mr. THURMOND) submitted the following resolution; which was considered and agreed to:

S. RES. 127

Whereas, Gary Sisco faithfully served the Senate of the United States as the 29th Secretary of the Senate from the 104th to the 107th Congress, and discharged the difficult duties and responsibilities of that office with unfailing dedication and a high degree of competence and efficiency; and

Whereas, as an elected officer, Gary Sisco has upheld the high standards and traditions of the United States Senate and extended his assistance to all Members of the Senate; and

Whereas, through his exceptional service and professional integrity as an officer of the Senate of the United States, Gary Sisco has earned the respect, trust, and gratitude of his associates and the Members of the Senate: Now, therefore, be it

Resolved, That the Senate recognizes the notable contributions of Gary Sisco to the Senate and to his Country and expresses to him its deep appreciation for his faithful and outstanding service, and extends its very best wishes in his future endeavors.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Gary Sisco.

SENATE RESOLUTION 128—CALLING ON THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA TO IMMEDIATELY AND UNCONDITIONALLY RELEASE LI SHAOMIN AND ALL OTHER AMERICAN SCHOLARS OF CHINESE ANCESTRY BEING HELD IN DETENTION, CALLING ON THE PRESIDENT OF THE UNITED STATES TO CONTINUE WORKING ON BEHALF OF LI SHAOMIN AND THE OTHER DETAINED SCHOLARS FOR THEIR RELEASE, AND FOR OTHER PURPOSES

Mr. TORRICELLI (for himself, Mr. CORZINE, Mr. KERRY, Mr. ALLEN, Mr. WELLSTONE, Mr. THOMAS, and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 128

Whereas in recent months the Government of the People's Republic of China has arrested and detained several scholars and intellectuals of Chinese ancestry with ties to the United States, including at least 2 United States citizens and 3 permanent residents of the United States;

Whereas according to the Department of State's 2000 Country Reports on Human Rights Practices in China, and international human rights organizations, the Government of the People's Republic of China ''has continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms'';

Whereas the harassment, arbitrary arrest, detention, and filing of criminal charges against scholars and intellectuals has created a chilling effect on freedom of expression in the People's Republic of China, in contravention of internationally accepted norms, including the International Covenant on Civil and Political Rights, which the People's Republic of China signed in October 1998;

Whereas the Government of the People's Republic of China frequently uses torture and other human rights violations to produce coerced ''confessions'' from detainees;

Whereas the Department of State's 2000 Country Reports on Human Rights Practices in China has extensively documented that human rights abuses in the People's Republic of China ''included instances of extrajudicial killings, the use of torture, forced confessions, arbitrary arrest and detention, the mistreatment of prisoners, lengthy incommunicado detention, and denial of due process'', and also found that ''[p]olice and prosecutorial officials often ignore the due process provisions of the law and of the Constitution . . . [f]or example, police and prosecutors can subject prisoners to severe psychological pressure to confess, and coerced confessions frequently are introduced as evidence'';

Whereas the Government of the People's Republic of China has reported that some of the scholar detainees have ''confessed'' to their ''crimes'' of ''spying'', but it has yet to produce any evidence of spying, and has refused to permit the detainees to confer with their families or lawyers;

Whereas the Department of State's 2000 Country Reports on Human Rights Practices in China also found that ''police continue to hold individuals without granting access to family or a lawyer, and trials continue to be conducted in secret'';

Whereas Dr. Li Shaomin is a United States citizen and scholar who has been detained by the Government of the People's Republic of China for more than 100 days, was formally charged with spying for Taiwan on May 15, 2001, and is expected to go on trial on July 14, 2001;

Whereas Dr. Li Shaomin has been deprived of his basic human rights by arbitrary arrest and detention, has not been allowed to contact his wife and child (both United States citizens), and was prevented from seeing his lawyer for an unacceptably long period of time;

Whereas Dr. Gao Zhan is a permanent resident of the United States and scholar who has been detained by the Government of the People's Republic of China for more than 114 days, and was formally charged with ''accepting money from a foreign intelligence agency'' on April 4, 2001;

Whereas Dr. Gao Zhan has been deprived of her basic human rights by arbitrary arrest and detention, has not been allowed to contact her husband and child (both United States citizens) or Department of State consular personnel in China, and was prevented from seeing her lawyer for an unacceptably long period of time;

Whereas Wu Jianmin is a United States citizen and author who has been detained by the Government of the People's Republic of China, has been deprived of his basic human rights by arbitrary arrest and detention, has been denied access to lawyers and family members, and has yet to be formally charged with any crimes;

Whereas Qin Guangguang is a permanent resident of the United States and researcher who has been detained by the Government of the People's Republic of China on suspicions of ''leaking state secrets'', has been deprived of his basic human rights by arbitrary arrest and detention, has been denied access to lawyers and family members, and has yet to be formally charged with any crimes;

Whereas Teng Chunyan is a permanent resident of the United States, Falun Gong practitioner, and researcher who has been sentenced to three years in prison for spying by the Government of the People's Republic of China, apparently for conducting research which documented violations of the human rights of Falun Gong adherents in China, has been deprived of her basic human rights by being placed on trial in secret, and her appeal to the Beijing Higher People's Court was denied on May 11, 2001;

Whereas Liu Yaping is a permanent resident of the United States and a businessman who was arrested and detained in Inner Mongolia in March 2001 by the Government of the People's Republic of China, has been deprived of his basic human rights by being denied any access to family members and by being denied regular access to lawyers, is reported to be suffering from severe health problems, was accused of tax evasion and other economic crimes, and has been denied his request for medical parole;

Whereas because there is documented evidence that the Government of the People's Republic of China uses torture to coerce confessions from suspects, because the Government has thus far presented no evidence to support its claims that the detained scholars and intellectuals are spies, and because spying is vaguely defined under Chinese law,

there is reason to believe that the ''confessions'' of Dr. Li Shaomin and Dr. Gao Zhan may have been coerced; and

Whereas the arbitrary imprisonment of United States citizens and residents by the Government of the People's Republic of China, and the continuing violations of their fundamental human rights, demands an immediate and forceful response by Congress and the President of the United States: Now, therefore, be it

Resolved, That

(1) the Senate—

(A) condemns and deplores the continued detention of Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, Teng Chunyan, and other scholars detained on false charges by the Government of the People's Republic of China, and calls for their immediate and unconditional release;

(B) condemns and deplores the lack of due process afforded to these detainees, and the probable coercion of confessions from some of them;

(C) condemns and deplores the ongoing and systematic pattern of human rights violations by the Government of the People's Republic of China, of which the unjust detentions of Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, and Teng Chunyan, are only important examples;

(D) strongly urges the Government of the People's Republic of China to consider carefully the implications to the broader United States-Chinese relationship of detaining and coercing confessions from United States citizens and permanent residents on unsubstantiated spying charges or suspicions;

(E) urges the Government of the People's Republic of China to consider releasing Liu Yaping on medical parole, as provided for under Chinese law; and

(F) believes that human rights violations inflicted on United States citizens and residents by the Government of the People's Republic of China will reduce opportunities for United States-Chinese cooperation on a wide range of issues; and

(2) it is the sense of the Senate that the President—

(A) should make the immediate release of Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, and Teng Chunyan a top priority of United States foreign policy with the Government of the People's Republic of China;

(B) should continue to make every effort to assist Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, and Teng Chunyan, and their families, while discussions of their release are ongoing;

(C) should make it clear to the Government of the People's Republic of China that the detention of United States citizens and residents, and the infliction of human rights violations upon United States citizens and residents, is not in the interests of the Government of the People's Republic of China because it will reduce opportunities for United States-Chinese cooperation on other matters; and

(D) should immediately send a special, high ranking representative to the Government of the People's Republic of China to reiterate the deep concern of the United States regarding the continued imprisonment of Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, Teng Chunyan, and Liu Yaping, and to discuss their legal status and immediate humanitarian needs.

AMENDMENTS SUBMITTED AND PROPOSED

SA 877. Mr. BYRD proposed an amendment to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

SA 878. Mr. CRAPO (for himself, Mr. MURKOWSKI, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 879. Mr. DURBIN (for himself, Mrs. MURRAY, Mr. DAYTON, Mr. REID, Mr. FEINGOLD, and Mrs. BOXER) proposed an amendment to the bill H.R. 2217, supra.

SA 880. Mr. BYRD proposed an amendment to the bill H.R. 2217, supra.

SA 881. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 882. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 883. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 884. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 885. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 886. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 887. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 888. Mr. HARKIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 889. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 890. Mr. BREAUX (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 891. Mr. CORZINE (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 892. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 893. Mr. NELSON, of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra.

SA 894. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 895. Mr. KERRY (for himself, Ms. SNOWE, Ms. COLLINS, Mr. KENNEDY, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 896. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 897. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 898. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 899. Mr. SMITH, of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 900. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 901. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 902. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 903. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 904. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 905. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 906. Ms. CANTWELL (for herself, Mr. BINGAMAN, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 907. Ms. LANDRIEU (for herself, Mr. SMITH, of New Hampshire, Mr. BREAUX, and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 908. Ms. LANDRIEU (for herself, Mr. BREAUX, Mr. LOTT, and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 909. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 910. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 911. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 912. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 913. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 914. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 915. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 916. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 917. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 918. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 919. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 920. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 921. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 922. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 923. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 877. Mr. BYRD proposed an amendment to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 152, line 4, strike ''$17,181,000'' and insert ''$72,640,000''.

SA 878. Mr. CRAPO (for himself, Mr. MURKOWSKI, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

On page ____, between lines ____ and ____, insert the following:

SEC. 3___. BACKCOUNTRY LANDING STRIP ACCESS.

(a) IN GENERAL.—Funds made available by this Act shall not be used to permanently close any aircraft landing strip described in subsection (b) without public notice, consultation with appropriate Federal and State aviation officials, and the consent of the Federal Aviation Administration.

(b) AIRCRAFT LANDING STRIPS.—An aircraft landing strip referred to in subsection (a) is a landing strip on Federal land that—

(1) is officially recognized by an appropriate Federal or State aviation official;

(2) is administered by the Secretary of the Interior or the Secretary of Agriculture; and

(3) is commonly known for use for, and is consistently used for, aircraft landing and departure activities.

(c) PERMANENT CLOSURE.—For the purposes of subsection (a), an aircraft landing strip shall be considered to be closed permanently if the intended duration of the closure is more than 180 days in any calendar year.

SA 879. Mr. DURBIN (for himself, Mrs. MURRAY, Mr. DAYTON, Mr. REID, Mr. FEINGOLD, and Mrs. BOXER) proposed an amendment to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 194, between lines 9 and 10, insert the following:

SEC. 1___. PRELEASING, LEASING, AND RELATED ACTIVITIES.

None of the funds made available by this Act shall be used to conduct any preleasing, leasing, or other related activity under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundary (in effect as of January 20, 2001) of a national monument established under the Act of June 8, 1906 (16 U.S.C. 431 et seq.), except to the extent that such a preleasing, leasing, or other related activity is allowed under the Presidential proclamation establishing the monument.

SA 880. Mr. BYRD proposed an amendment to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 157, line 7, insert ''Protection'' after the word ''Park''.

SA 881. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 4, before ''.'' insert the following: ''of which $2,000,000 shall be provided to the Ecological Restoration Institute''.

SA 882. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, line 10 before ''.'' insert the following, '', and of which $500,000 is provided to the Ecological Restoration Institute for assistance to communities and land management agencies to support the design and implementation of forest restoration treatments.''

SA 883. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 16, insert before ''.'' the following, ''and of which $338,000 shall be provided for Mt. Trumbull''.

SA 884. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 183, line 16, strike ''longitude'' and insert ''longitude, or for the conduct of preleasing activities in those areas''.

SA 885. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(a) SHORT TITLE AND FINDINGS.—

(1) This Title can be cited as the ''Iraq Petroleum Import Restriction Act of 2001''.

(2) FINDINGS.—Congress finds that—

(A) the government of the Republic of Iraq—

(i) has failed to comply with the terms of United Nations Security Council Resolution 687 regarding unconditional Iraqi acceptance of the destruction, removal, or rendering harmless, under international supervision, of all nuclear, chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities, as well as all ballistic missiles with a range greater than 150 kilometers and related major parts, and repair and production facilities and has failed to allow United Nations inspectors access to sites used for the production or storage of weapons of mass destruction.

(ii) routinely contravenes the terms and conditions of UNSC Resolution 661, authorizing the export of petroleum products from Iraq in exchange for food, medicine and other humanitarian products by conducting a routine and extensive program to sell such products outside of the channels established by UNSC Resolution 661 in exchange for military equipment and materials to be used in pursuit of its program to develop weapons of mass destruction in order to threaten the United States and its allies in the Persian Gulf and surrounding regions.

(iii) has failed to adequately draw down upon the amounts received in the Escrow Account established by UNSC Resolution 986 to purchase food, medicine and other humanitarian products required by its citizens, resulting in massive humanitarian suffering by the Iraqi people.

(iv) conducts a periodic and systematic campaign to harass and obstruct the enforcement of the United States and United Kingdom-enforced ''No-Fly Zones'' in effect in the Republic of Iraq.

(v) routinely manipulates the petroleum export production volumes permitted under UNSC Resolution 661 in order to create uncertainty in global energy markets, and therefore threatens the economic security of the United States.

(B) further imports of petroleum products from the Republic of Iraq are inconsistent with the national security and foreign policy interests of the United States and should be eliminated until such time as they are not so inconsistent.

(b) PROHIBITION ON IRAQI-ORIGIN PETROLEUM IMPORTS.—The direct or indirect import from Iraq of Iraqi-origin petroleum and petroleum products is prohibited, notwithstanding an authorization by the Committee established by UNSC Resolution 661 or its designee, or any other order to the contrary.

(c) TERMINATION/PRESIDENTIAL CERTIFICATION.—This Act will remain in effect until such time as the President, after consultation with the relevant committees in Congress, certifies to the Congress that—

(1) the United States is not engaged in active military operations in—

(A) enforcing ''No-Fly Zones'' in Iraq;

(B) support of United Nations sanctions against Iraq;

(C) preventing the smuggling of Iraqi-origin petroleum and petroleum products in violation of UNSC Resolution 986; and

(D) otherwise preventing threatening action by Iraq against the United States or its allies; and

(2) resuming the importation of Iraqi-origin petroleum and petroleum products would not be inconsistent with the national security and foreign policy interests of the United States.

(d) HUMANITARIAN INTERESTS.—It is the sense of the Senate that the President should make all appropriate efforts to ensure that the humanitarian needs of the Iraqi

people are not negatively effected by this Act, and should encourage through public, private, domestic and international means the direct or indirect sale, donation or other transfer to appropriate non-governmental health and humanitarian organizations and individuals within Iraq of food, medicine and other humanitarian products.

(e) DEFINITIONS.—

(1) 661 COMMITTEE.—The term ''661 Committee'' means the Security Council Committee established by UNSC Resolution 661, and persons acting for or on behalf of the Committee under its specific delegation of authority for the relevant matter or category of activity, including the overseers appointed by the U.N. Secretary-General to examine and approve agreements for purchases of petroleum and petroleum products from the Government of Iraq pursuant to UNSC Resolution 986.

(2) UNSC RESOLUTION 661.—The term ''UNSC Resolution 661'' means United Nations Security Council Resolution No. 661, adopted August 6, 1990, prohibiting certain transactions with respect to Iraq and Kuwait.

(3) UNSC RESOLUTION 986.—The term ''UNSC Resolution 986'' means United Nations Security Council Resolution 986, adopted April 14, 1995.

(f) EFFECTIVE DATE.—The prohibition on importation of Iraqi origin petroleum and petroleum products shall be effective 30 days after enactment of this Act.

SA 886. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . GULFSTREAM NATURAL GAS PROJECT.

Notwithstanding any other provision of this Act, none of the funds made available under this Act shall be used to authorize or carry out construction of the Gulfstream Natural Gas Project.

SA 887. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 195, line 3, strike ''Act:'' and insert ''Act (of which $4,000,000 shall be available for the Tumbledown/Mount Blue conservation project, Maine):''.

SA 888. Mr. HARKIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

(1) The National Park Service shall make further evaluations of national significance, suitability and feasibility for the Glenwood locality and each of the twelve Special Landscape Areas (including combinations of such areas) as identified by the National Park Service in the course of undertaking the Special Resource Study of the Loess Hills Landform Region of Western Iowa.

(2) The National Park Service shall provide the results of these evaluations no later than January 15, 2002, to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives.

SA 889. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the Land and Water Conservation Fund, insert: ''$33,000 shall be made available for the purchase of land for the United States Forest Service's Bearlodge Ranger District Work Center (Old Stoney) in Sundance, Wyoming;''

And, at the appropriate place in the report, insert: ''$244,000 for the design of historic office renovations of the Bearlodge Ranger District Work Center (Old Stoney) in Sundance, Wyoming.''

SA 890. Mr. BREAUX (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between lines 9 and 10, insert the following:

SEC. 1 . LEASE OF FACILITY CONNECTED WITH THE NATIONAL WETLANDS RESEARCH CENTER.

Notwithstanding any other provision of law, if the University of Louisiana at Lafayette or the University of Louisiana at Lafayette Foundation makes a commitment to construct a facility adjacent to and connected with the National Wetlands Research Center, Louisiana, the Director of the United States Geological Survey, before commencement of construction, may enter into a long-term lease of the facility.

SA 891. Mr. CORZINE (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 184, line 6, after ''activities'', insert ''(including related studies)''.

SA 892. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following new General Provision:

SEC. . From within available funds in the Alaska Region including entrance fees generated in Glacier Bay National Park, the National Park Service shall conduct an Environmental Impact Statement on cruise ship entries into such park taking into account possible impacts on whale populations; Provided, That none of the funds available under this Act shall be used to reduce or increase the number of permits and vessel entries into the Park below or above the levels established by the National Park Service effective for the 2001 season until the Environmental Impact Statement required by law is completed and any legal challenges thereto are finalized notwithstanding any other provision of law.

SA 893. Mr. NELSON of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 194, between lines 9 and 10, insert the following:

SEC. 1 . LEASE SALE 181.

None of the funds made available by this Act shall be used to execute a final lease agreement for oil or gas development in the area of the Gulf of Mexico known as ''Lease Sale 181'', as identified in the Outer Continental Shelf 5-Year Oil and Gas Leasing Program, before April 1, 2002.

SA 894. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between lines 9 and 10, insert the following:

SEC. 1 . LEASE SALE 181.

None of the funds made available by this Act shall be used to execute a final lease agreement for oil or gas development in the area of the Gulf of Mexico known as ''Lease Sale 181'', as identified in the Outer Continental Shelf 5-Year Oil and Gas Leasing Program.

SA 895. Mr. KERRY (for himself, Ms. SNOWE, Ms. COLLINS, Mr. KENNEDY, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 183, line 11, after ''offshore'', insert ''preleasing,''.

SA 896. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, line 9 strike ''$2,388,614,000'' and insert ''$2,408,614,000.''

On page 235, line 14 strike ''$98,234,000'' and insert ''$78,234,000.''

SA 897. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the

Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 202, line 5, after 205 insert ''of which, $244,000 is to be provided for the design of historic office renovations of the Bearlodge Ranger District Work Center (Old Stoney) in Sundance, Wyoming, and''.

SA 898. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 145, strike line 4 and all that follows through page 153, line 22 and insert ''$109,901,000, to be derived from the Land and Water Conservation Fund, of which $4,000,000 shall be made available for land acquisition for the establishment of the Cahaba River National Wildlife Refuge, authorized by PL 106–331, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $50,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: *Provided*, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish, or supplement existing, landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, or candidate species, or other at-risk species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: *Provided*, That the amount provided herein is for the Secretary to establish a Private Stewardship Grants Program to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, or candidate species, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $91,000,000, to be derived from the Cooperative Endangered Species Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(v) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $42,000,000, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E)(vi) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $4,000,000, to remain available until expended: *Provided*, That funds made available under this Act, Public Law 106–291, and Public Law 106–554 and hereafter in annual appropriations acts for rhinoceros, tiger, Asian elephant, and great ape conservation programs are exempt from any sanctions imposed against any country under section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1).

STATE WILDLIFE GRANTS

(INCLUDING RESCISSION)

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, the Northern Mariana Islands, and American Samoa, under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $100,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That the Secretary shall, after deducting administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof: and (B) to Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: 30 percent based on the ratio to which the land area of such State bears to the total land area of all such States; and 70 percent based on the ratio to which the population of such State bears to the total population of the United States, based on the 2000 U.S. Census; and the amounts so apportioned shall be adjusted equitably so that no State shall be apportioned a sum which is less than one percent of the total amount available for apportionment or more than 10 percent: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further*, That any amount apportioned in 2002 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2003, shall be reapportioned, together with funds appropriated in 2004, in the manner provided herein.

Of the amounts appropriated in title VIII of Public Law 106–291, $49,890,000 for State Wildlife Grants are rescinded.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 74 passenger motor vehicles, of which 69 are for replacement only (including 32 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,473,128,000, of which $10,881,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended; and of which $17,181,000, to remain available until September 30, 2003, is

for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, for high priority projects: *Provided,* That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $66,106,000.

CONTRIBUTION FOR ANNUITY BENEFITS

For reimbursement (not heretofore made), pursuant to provisions of Public Law 85–157, to the District of Columbia on a monthly basis for benefit wayments by the District of Columbia to United States Park Police annuitants under the provisions of the Policeman and Fireman's Retirement and Disability Act (Act), to the extent those payments exceed contributions made by active Park Police members covered under the Act, such amounts as hereafter may be necessary: *Provided,* That hereafter the appropriations made to the National Park Service shall not be available for this purpose.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $64,386,000.

SA 899. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert:

''None of the funds made available under this or any other Act may be used to provide any flows from the Klamath Project other than those set forth in the 1992 biological opinion for Lost River and shortnose suckers and the July 1999 biological opinion on project operations issued by the National Marine Fisheries Service, until the Fish and Wildlife Service takes the following actions identified or discussed in the April 1993 recovery plan for Lost River suckers and shortnose suckers:

(a) establishes at least one stable refugial population with a minimum of 500 adult fish for each unique stock of Lost River and shortnose suckers;

(b) secures refugial sites for upper Klamath Lake suckers;

(c) uses aeration for improving water quality and to expand refugial areas for relatively good water quality within Upper Klamath Lake;

(d) improves larval rearing and refuge habitat in the lower Williamson and Wood Rivers through increased vegetative cover;

(e) extirpates exotic species that are predators of the suckers;

(f) assesses the need for captive propagation and the potential for improving sucker stocks through supplementation, and the Secretary has submitted a report, including recommendations, to the Congress;

(g) implements a plan to monitor relative abundance of all life stages for all sucker populations;

(h) develops a plan to reduce losses of fish due to water diversions;

(i) determines the distribution and abundance of suckers in all waterbodies in the Upper Klamath Basin;

(j) implements the plan for wetland rehabilitation pilot projects;

(k) implements the most effective strategy to provide fish passage upstream of the Sprague River Dam;

(l) implements the plan to enhance spring spawning habitat in Upper Klamath Lake and Agency Lake;

And develops water management plans and land management plans, including sump rotations where appropriate, for the national wildlife refuges that receive water from the Klamath Project; and subsequently completes an evaluation of the impact of these actions on the recovery of the suckers before determining whether further modifications to project operations are needed and submits such evaluation to the Secretary of the Interior and to the Congress.

SA 900. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___ (a) RESCISSIONS.—There is rescinded an amount equal to 1 percent of the discretionary budget authority provided (or obligation limit imposed) for fiscal year 2002 in this Act for each department, agency, instrumentality, or entity of the Federal Government funded in this Act: *Provided*, That this reduction percentage shall be applied on a pro rata basis to each program, project, and activity subject to the rescission.

(b) DEBT REDUCTION.—The amount rescinded pursuant to this section shall be deposited into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt.

(c) REPORT.—The Director of the Office of Management and Budget shall include in the President's budget submitted for fiscal year 2003 a report specifying the reductions made to each account pursuant to this section.

SA 901. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between lines 9 and 10, insert the following:

SEC. . No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monumental.

SA 902. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

On page 145, line 9, before the period at the end, insert the following: '', of which $500,000 shall be available to acquire land for the Don Edwards National Wildlife Refuge, California''.

SA 903. Mrs. FEINSTEIN submitted an amendment intended to the proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

On page 256, between lines 7 and 8, insert the following:

SEC. 3___. FOREST LEGACY PROGRAM.

Section 7(l) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c(l)) is amended by adding at the end the following:

''(3) STATE AUTHORIZATION.—Notwithstanding any other provision of this Act, a State may authorize a local government, or any qualified organization (as defined in section 170(h)(3) of the Internal Revenue Code of 1986) that is organized for 1 or more purposes described in clauses (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986, to acquire land and interests in land to carry out the Forest Legacy Program in the State.''.

SA 904. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 153, line 22, before the period, insert the following: ''of which no funds shall be used for any purpose relating to Vulcan Monument, Alabama''.

SA 905. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 153, line 26 strike ''$20,000,000'' and insert the following: ''$23,363,000, of which $3,363,000 shall be derived by transfer from the Department Management fund''.

SA 906. Ms. CANTWELL (for herself, Mr. BINGAMAN, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 216, line 25, strike ''$870,805,000'' and insert ''$882,805,000''.

On page 217, line 7, strike the period and insert '': *Provided further*, That $23,300,000 shall be available for the Federal Energy Management Program and $20,788,000 shall be available for the Community partnerships.''.

On page 217, strike lines 17 through 19 and insert ''$157,009,000, to remain available until expended, of which $8,000,000 shall be available for maintenance of a Northeast Home Heating Oil Reserve.''.

On page 217, line 19, strike the period and insert ''and of which $132,000,000 shall be for non-phase specific activities: *Provided*, That the Department of Energy shall conduct a management review study of the Strategic Petroleum Reserve and report the findings to Congress not later than June 30, 2002.''.

SA 907. Ms. LANDRIEU (for herself, Mr. SMITH, of New Hampshire, Mr. BREAUX, and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 148, strike line 6 and all that follows through page 150, line 7, and insert the following:

FUNDING FOR WILDLIFE CONSERVATION AND RESTORATION ACCOUNT

(INCLUDING RESCISSION)

For transfer to the Wildlife Conservation and Restoration Account established by section 3(a)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(a)(2)), $100,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

SA 908. Ms. LANDRIEU (for herself, Mr. BREAUX, Mr. LOTT, and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between lines 9 and 10, insert the following:

SEC. 1___. SENSE OF CONGRESS CONCERNING COASTAL IMPACT ASSISTANCE.

(a) FINDINGS.—Congress finds that—

(1) the United States continues to be reliant on fossil fuels (including crude oil and natural gas) as a source of most of the energy consumed in the country;

(2) this reliance is likely to continue for the foreseeable future;

(3) about 65 percent of the energy needs of the United States are supplied by oil and natural gas;

(4) the United States is becoming increasingly reliant on clean-burning natural gas for electricity generation, home heating and air conditioning, agricultural needs, and essential chemical processes;

(5) a large portion of the remaining crude oil and natural gas resources of the country are on Federal land located in the western United States, in Alaska, and off the coastline of the United States;

(6) the Gulf of Mexico has proven to be a significant source of oil and natural gas and is predicted to remain a significant source in the immediate future;

(7) many States and counties oppose the development of Federal crude oil and natural gas resources within or near the coastline, which opposition results in congressional, Executive, State, or local policies to prevent the development of those resources;

(8) actions that prevent the development of certain Federal crude oil and natural gas resources do not lessen the energy needs of the United States or of those States and counties that object to exploration and development for fossil fuels;

(9) actions to prevent the development of certain Federal crude oil and natural gas resources focus development pressure on the remaining areas of Federal crude oil and natural gas resources, such as onshore and offshore Alaska, certain onshore areas in the western United States, and the central Gulf of Mexico off the coasts of Alabama, Alaska, Louisiana, Mississippi, and Texas;

(10) the development of Federal crude oil and natural gas resources is accompanied by adverse effects on the infrastructure services, public services, and the environment of States, counties, and local communities that host the development of those Federal resources;

(11) States, counties, and local communities do not have the power to tax adequately the development of Federal crude oil and natural gas resources, particularly when those development activities occur off the coastline of States that serve as platforms for that development, such as Alabama, Alaska, Louisiana, Mississippi, and Texas;

(12) the Mineral Leasing Act (30 U.S.C. 181 et seq.), which governs the development of Federal crude oil and natural gas resources located onshore, provides, outside the budget and appropriations processes of the Federal Government, payments to States in which Federal crude oil and natural gas resources are located in the amount of 50 percent of the direct revenues received from the Federal Government for those resources; and

(13) there is no permanent provision in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), which governs the development of Federal crude oil and natural gas resources located offshore, that authorizes the sharing of a portion of the annual revenues generated from Federal offshore crude oil and natural gas resources with adjacent coastal States that—

(A) serve as the platform for that development; and

(B) suffer adverse effects on the environment and infrastructure of the States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should provide a significant portion of the Federal offshore mineral revenues to coastal States that permit the development of Federal mineral resources off the coastline, including the States of Alabama, Alaska, Louisiana, Mississippi, and Texas.

SA 909. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between lines 10 and 11, insert the following:

SEC. 1___. MODIFIED LEASE SALE 181.

Notwithstanding any other provision of this Act, not later than December 31, 2001, the Secretary of the Interior shall use such funds made available by this Act as are necessary to proceed with the sale of the area known as ''Modified Lease Sale 181'', located in the eastern portion of the Gulf of Mexico, consisting of 256 lease blocks for a total of approximately 1,470,000 acres, as depicted on the map entitled ''Eastern Gulf of Mexico and Sale 181 Area'', dated June 29, 2001.

SA 910. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between lines 9 and 10, insert the following:

SEC. 1___. LEASE SALE 181.

Notwithstanding any other provision of this Act, not later than December 31, 2001, the Secretary of the Interior shall use such funds made available by this Act as are necessary to proceed with the sale of the area known as ''Lease Sale 181'', located in the eastern portion of the Gulf of Mexico, modifying the sale by excluding from Lease Sale 181 the area comprised of 120 blocks that forms a narrow strip beginning 15 miles south of the coast of Alabama.

SA 911. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 145, line 9, before the period, insert the following: '', of which not more than $250,000 shall be used for acquisition of 1,750 acres for the Red River National Wildlife Refuge and not more than $250,000 shall be available for use by the Louisiana herbivory (nutria) control program''.

SA 912. Ms. LANDRIEU submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between lines 10 and 11, insert the following:

SEC. 1. . LEASE SALE 181.

Notwithstanding any other provision of this Act, none of the funds made available by this Act shall be used to reduce the size of the area known as ''Lease Sale 181'', located on the outer Continental Shelf in the eastern portion of the Gulf of Mexico, as originally proposed in 1997.

SA 913. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new section:

SEC. . NATIONAL CAVE & KARST INSTITUTE.

$350,000 of the funds provided to the National Park Service in this Act shall be available for the National Cave & Karst Institute in New Mexico.

SA 914. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the

fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new section:

SEC. . VALLES CALDERA TRUST.

On page 195, line 19, strike ''1,324,491,000'' and insert ''1,324,841,000''.

SA 915. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new section:

SEC. . RIO PUERCO MANAGEMENT COMMITTEE.

$300,000 of the funds provided to the Bureau of Land Management shall be available for erosion control and watershed rehabilitation projects and initiatives developed by the Rio Puerco Management Committee (section 401 of Public Law 104–333) in New Mexico.

SA 916. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new section:

SEC. . SANTO DOMINGO PUEBLO CLAIM SETTLEMENT.

$2,200,000 of the funds provided to the Bureau of Indian Affairs shall be available for deposit into a fund to meet current obligations with the Santo Domingo Pueblo Claims Settlement Act of 2000 (Public Law 106–425).

SA 917. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

No funds contained in this or any other Act shall be used to approve the transfer of lands on South Fox Island, Michigan, until Congress has authorized such transfer.

SA 918. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Under United States Fish and Wildlife Service—Resource Management, on page 143, starting in line 5, strike ''$845,714,000, to remain available until September 30, 2003, except as otherwise provided herein,'' and insert in lieu thereof, ''846,214,000, to remain available until September 30, 2003, except as otherwise provided herein, of which $500,000 is for the University of Idaho for developing research mechanisms in support of salmon and trout recovery in the Columbia and Snake River basins and their tributaries, and''.

Under Bureau of Land Management—Land Acquisition: On page 137, in line 26, strike ''$45,686,000'' and insert in lieu thereof, ''45,186,000''; on page 138, in line 5, before the period insert '', of which $2,500,000 is for the Upper Snake/South Fork Snake River in Idaho''.

SA 919. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 146, line 5, strike ''lands.'' And insert ''land: *Provided further*, That no funds shall be available for the Landowner Incentive Program until the program is authorized by an Act of Congress enacted after the date of enactment of this Act.''.

On page 146, line 22, strike ''species.'' And insert ''species: *Provided further*, That no funds shall be available for the Private Stewardship Grants Program until the program is authorized by an Act of Congress enacted after the date of enactment of this Act.''.

SA 920. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 145, strike line 10 and all that follows through page 146, line 22.

Proposed Reallocations:

On page 132, line 9, strike ''$1,000,000'' and insert ''$3,000,000''.

On page 137, line 15, strike ''$50,000,000'' and insert ''$100,000,000''.

On page 143, line 19, strike ''$2,000,000'' and insert ''$4,000,000''.

On page 152, line 9, strike ''$2,000,000'' and insert ''$4,000,000''.

On page 207, line 12, strike ''$2,000,000'' and insert ''$6,000,000''.

Description: The Committee-reported bill includes $50 million in funding for a ''Landowner Incentive Program'' and $10 million for a ''Stewardship Grants'' Program as part of the conservation spending category. Neither program was authorized in last year's agreement establishing the conservation spending category and neither program is authorized as a stand-alone program. This amendment strikes the funding for both programs and reallocates it to other authorized programs within the category: $50 million in additional funding for the Payments in Lieu of Taxes Program and $10 million in additional funding for Youth Conservation Corps Programs.

SA 921. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 144, line 22, strike ''expended.'' and insert ''expended: *Provided*, That $498, 000 shall be used for the Moosehorn National Wildlife Refuge to develop and display exhibits in the Downneast Heritage Center in Calais, Maine.''

SA 922. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 144, line 15, strike ''analyses.'' and insert ''analyses: *Provided further*, That $1,100,000 shall be made available to the National Fish and Wildlife Foundation to carry out a competitively awarded grant program for State, local, or other organizations in Maine to fund on-the-ground projects to further Atlantic salmon conservation and restoration efforts, at least $550,000 of which shall be awarded to projects that will also assist industries in Maine affected by the listing of Atlantic salmon under the Endangered Species Act.''

SA 923. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 7, after ''herein,'' insert ''of which $140,000 shall be made available for the preparation of, and not later than July 31, 2002, submission to Congress of a report on, a feasibility study and situational appraisal of the Hackensack Meadowlands, New Jersey, to identify management objectives and address strategies for preservation efforts, and''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 11, 2001, at 5:45 p.m., in Executive Session to meet with the British Secretary of State for Foreign and Commonwealth Affairs, the Right Honorable Jack Straw.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 11, 2001, at 9:30 a.m. on Internet Privacy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, July 11, 2001, to hear testimony regarding the Role of Tax Incentives in Energy Policy, Part II.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 11, 2001 at 3 p.m. to hold a nomination hearing.

Nominees:

Mr. Peter R. Chaveas, of Pennsylvania, to be Ambassador to the Republic of Sierra Leone.

Mr. Aubrey Hooks, of Virginia, to be Ambassador to the Democratic Republic of the Congo.

Mr. Donald J. McConnell, of Ohio, to be Ambassador to the State of Eritrea.

Ms. Nancy J. Powell, of Iowa, to be Ambassador to the Republic of Ghana.

Mr. George M. Staples, of Kentucky, to be Ambassador to the Republic of Cameroon, and to serve concurrently and without additional compensation as Ambassador to the Republic of Equatorial Guinea.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, July 11, 2001, at 9 a.m. for a business meeting to consider pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, July 11, 2001, at 9:30 a.m. for a hearing regarding S. 803, the e-Government Act of 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on achieving parity for mental health treatment during the session of the Senate on Wednesday, July 11, 2001, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a nominations hearing on Wednesday, July 11, 2001, at 2 p.m., in Dirksen 226.

Panel I: Roger L. Gregory, of Virginia, to be U.S. circuit judge for the Fourth Circuit.

Panel II: Richard F. Cebull, of Montana, to be U.S. district judge for the District of Montana; Sam E. Haddon, of Montana, to be U.S. district judge for the District of Montana.

Panel III: Eileen J. O'Connor, of Maryland, to be Assistant Attorney General for the Tax Division.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 11, 2001 at 2:30 p.m., to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT

Mr. REID. Mr. President, I ask unanimous consent that the subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 11, 2001, at 9:30 a.m., in open session to receive testimony on the readiness of the U.S. Military Forces and the FY2002 budget amendment, in review of the Defense authorization request for fiscal year 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Strategic of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 11, 2001, at 2:00 p.m., in open session to receive testimony on the budget request for national security space programs, policies operations and strategic systems and programs, in review of the Defense authorization request for fiscal year 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BYRD. Mr. President, I ask unanimous consent that Scott Dalzell, a detailee with the majority staff, and Mark Davis, a detailee with the minority staff, be afforded privileges of the floor during the pendency of H.R. 2217.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS ACT, 2001

On July 10, 2001, the Senate amended and passed H.R. 2216, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2216) entitled ''An Act making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—NATIONAL SECURITY MATTERS

CHAPTER 1

DEPARTMENT OF JUSTICE

RADIATION EXPOSURE COMPENSATION

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For an additional amount for ''Payment to Radiation Exposure Compensation Trust Fund'' for claims covered by the Radiation Exposure Compensation Act, $84,000,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $164,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $84,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $69,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $126,000,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $52,000,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $2,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $6,000,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $12,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $784,500,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $1,037,900,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $62,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $824,900,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-wide'', $62,050,000.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $20,500,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $12,500,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $1,900,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $34,000,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $42,900,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $119,300,000.

PROCUREMENT

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $3,000,000, to remain available for obligation until September 30, 2003.

SHIPBUILDING AND CONVERSION, NAVY

(TRANSFER OF FUNDS)

For an additional amount for ''Shipbuilding and Conversion, Navy'', $297,000,000: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amount specified: Provided further, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred:

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1995/2001'':

Carrier Replacement Program, $84,000,000;

DDG–51 Destroyer Program, $300,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1996/2001'':

DDG–51 Destroyer Program, $14,600,000;

LPD–17 Amphibious Transport Dock Ship Program, $140,000,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1997/2001'':

DDG–51 Destroyer Program, $12,600,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2001'':

NSSN Program, $32,000,000;

DDG–51 Destroyer Program, $13,500,000.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $78,000,000, to remain available for obligation until September 30, 2003.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $15,500,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $31,200,000, to remain available for obligation until September 30, 2003.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $165,650,000, to remain available for obligation until September 30, 2003.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-wide'', $5,800,000, to remain available for obligation until September 30, 2003.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $123,000,000, to remain available for obligation until September 30, 2002.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $227,500,000, to remain available for obligation until September 30, 2002.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-wide'', $35,000,000, to remain available for obligation until September 30, 2002.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $178,400,000, to remain available until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,522,200,000 for operation and maintenance: Provided, That of the funds made available under this heading, not more than $655,000,000 may be used to cover TRICARE contract costs associated with the provision of health care services to eligible beneficiaries of all the uniformed services: Provided further, That of the funds made available under this heading, not less than $220,000,000 shall be made available upon enactment only for the requirements of the direct care system and military medical treatment facilities, to be administered solely by the uniformed services Surgeons General.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1201. Fuel transferred by the Defense Energy Supply Center to the Department of the Interior for use at Midway Island during fiscal year 2000 shall be deemed for all purposes to have been transferred on a nonreimbursable basis.

SEC. 1202. Funds appropriated by this Act or made available by the transfer of funds in this Act for intelligence activities are deemed to be specifically authorized by the Congress for the purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

(INCLUDING TRANSFER OF FUNDS)

SEC. 1203. In addition to the amount appropriated in section 308 of Division A, Miscellaneous Appropriations Act, 2001, as enacted by section 1(a)(4) of Public Law 106–554 (114 Stat. 2763A–181 and 182), $44,000,000 is hereby appropriated for ''Operation and Maintenance, Navy'', to remain available until expended: Provided, That such amount, and the amount previously appropriated in section 308, shall be for costs associated with the stabilization, return, refitting, necessary force protection upgrades, and repair of the U.S.S. COLE, including any costs previously incurred for such purposes: Provided further, That the Secretary of Defense may transfer these funds to appropriations accounts for procurement: Provided further, That funds so transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided herein is in addition to any other transfer authority available to the Department of Defense.

(RESCISSIONS)

SEC. 1204. Of the funds provided in Department of Defense Appropriations Acts, the following funds are rescinded, from the following accounts in the specified amounts:

''Overseas Contingency Operations Transfer Fund, 2001'', $200,000,000;

''Aircraft Procurement, Navy, 2001/2003'', $150,000,000;

''Shipbuilding and Conversion, Navy, 2001/2005'', LPD–17(AP), $75,000,000;

''Aircraft Procurement, Air Force, 2001/2003'', $363,000,000;

''Research, Development, Test and Evaluation, Defense-wide 2001/2002'', $4,000,000.

SEC. 1205. Notwithstanding any other provision of law, the Secretary of Defense may retain all or a portion of Fort Greely, Alaska as the Secretary deems necessary, to meet military, operational, logistics and personnel support requirements for missile defense.

SEC. 1206. Of the funds appropriated in the Department of Defense Appropriations Act, 2001, Public Law 106–259, in Title IV under the heading, ''Research, Development, Test and Evaluation, Navy'', $2,000,000 may be made available for a Maritime Fire Training Center at the Marine and Environmental Research and Training Station (MERTS), and $2,000,000 may be made available for a Maritime Fire Training Center at Barbers Point, including provision for laboratories, construction, and other efforts associated with research, development, and other programs of major importance to the Department of Defense.

SEC. 1207. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Army'', $8,000,000 shall be available for the purpose of repairing storm damage at Fort Sill, Oklahoma, and Red River Army Depot, Texas.

SEC. 1208. (a) Of the total amount appropriated under this Act to the Army for operation and maintenance, such amount as may be necessary shall be available for a conveyance by the Secretary of the Army, without consideration, of all right, title, and interest of the United States in and to the firefighting and rescue vehicles described in subsection (b) to the City of Bayonne, New Jersey.

(b) The firefighting and rescue vehicles referred to in subsection (a) are a rescue hazardous materials truck, a 2,000 gallon per minute pumper, and a 100-foot elevating platform truck, all of which are at Military Ocean Terminal, Bayonne, New Jersey.

SEC. 1209. None of the funds available to the Department of Defense for fiscal year 2001 may be obligated or expended for retiring or dismantling any of the 93 B–1B Lancer bombers in service as of June 1, 2001, or for transferring or reassigning any of those aircraft from the unit, or the facility, to which assigned as of that date.

CHAPTER 3

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for ''Weapons Activities'', $140,000,000, to remain available until expended: Provided, That funding is authorized for Project 01–D–107, Atlas Relocation and Operations, and Project 01–D–108, Microsystems and Engineering Science Application Complex.

OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for ''Defense Environmental Restoration and Waste Management'', $95,000,000, to remain available until expended.

DEFENSE FACILITIES CLOSURE PROJECTS

For an additional amount for ''Defense Facilities Closure Projects'', $21,000,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For an additional amount for ''Defense Environmental Management Privatization'', $29,600,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for ''Other Defense Activities'', $5,000,000, to remain available until expended.

CHAPTER 4

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $18,000,000, to remain available until September 30, 2005: Provided, That notwithstanding any other provision of law, such amount may be used by the Secretary of the Air Force to carry out a military construction and renovation project at the Masirah Island Airfield, Oman.

FAMILY HOUSING, ARMY

For an additional amount for ''Family Housing, Army'', $27,200,000 for operation and maintenance.

FAMILY HOUSING, NAVY AND MARINE CORPS

For an additional amount for ''Family Housing, Navy and Marine Corps'', $20,300,000 for operation and maintenance.

FAMILY HOUSING, AIR FORCE

For an additional amount for ''Family Housing, Air Force'', $18,000,000 for operation and maintenance.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

For an additional amount for deposit into the ''Department of Defense Base Realignment and Closure Account 1990'', $9,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1401. (a) In addition to amounts appropriated or otherwise made available elsewhere in the Military Construction Appropriations Act, 2001, and in this Act, the following amounts are hereby appropriated as authorized by section 2854 of title 10, United States Code, as follows for the purpose of repairing storm damage at Ellington Air National Guard Base, Texas, and Fort Sill, Oklahoma:

''Military Construction, Air National Guard'', $6,700,000;

''Family Housing, Army'', $1,000,000:
Provided, That the funds in this section shall remain available until September 30, 2005.

(b) Of the funds provided in the Military Construction Appropriations Acts, 2000 and 2001, the following amounts are rescinded:

''Military Construction, Defense-Wide'', $6,700,000;

''Family Housing, Army'', $1,000,000.

SEC. 1402. Notwithstanding any other provision of law, the amount authorized, and authorized to be appropriated, for the Defense Agencies for the TRICARE Management Agency for a military construction project for Bassett Army Hospital at Fort Wainwright, Alaska, shall be $215,000,000.

TITLE II—OTHER SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

For an additional amount for ''Office of the Secretary'', $3,000,000, to remain available until September 30, 2002: Provided, That of these funds, no less than $1,000,000 shall be used for enforcement of the Animal Welfare Act: Provided further, That of these funds, no less than $1,000,000 shall be used to enhance humane slaughter practices under the Federal Meat Inspection Act: Provided further, That no more than $500,000 of these funds shall be made available to the Under Secretary for Research, Education and Economics for development and demonstration of technologies to promote the humane treatment of animals: Provided further, That these funds may be transferred to and merged with appropriations for agencies performing this work.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $35,000,000, to remain available until September 30, 2002.

FARM SERVICE AGENCY

AGRICULTURAL CONSERVATION PROGRAM

(RESCISSION)

Of the funds appropriated for ''Agricultural Conservation Program'' under Public Law 104–37, $45,000,000 are rescinded.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for ''Watershed and Flood Prevention Operations'', to repair damages to waterways and watersheds, resulting from natural disasters occurring in West Virginia on July 7 and July 8, 2001, $5,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2101. Title I of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387; 114 Stat. 1549, 1549A–10) is amended by striking ''until expended'' under the heading ''Buildings and Facilities'' under the heading ''Animal and Plant Health Inspection Service'' and adding the following: ''until expended: Provided, That notwithstanding any other provision of law (including chapter 63 of title 31, U.S.C.), $4,670,000 of the amount shall be transferred by the Secretary and once transferred, shall be state funds for the construction, renovation, equipment, and other related costs for a post entry plant quarantine facility and related laboratories as described in Senate Report 106–288''.

SEC. 2102. The paragraph under the heading ''Rural Community Advancement Program'' in title III of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387; 114 Stat. 1549, 1549A–17) is amended—

(1) in the third proviso, by striking ''ability of'' and inserting ''ability of low income rural communities and''; and

(2) in the fourth proviso, by striking ''assistance to'' the first place it appears and inserting ''assistance and to''.

SEC. 2103. (a) Not later than August 1, 2001, the Federal Crop Insurance Corporation shall promulgate final regulations to carry out section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 522(b)), without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 FR 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(b) In carrying out this section, the Corporation shall use the authority provided under section 808 of title 5, United States Code.

(c) The final regulations promulgated under subsection (a) shall take effect on the date of publication of the final regulations.

SEC. 2104. In addition to amounts otherwise available, $20,000,000 from amounts pursuant to 15 U.S.C. 713a–4 for the Secretary of Agriculture to make available financial assistance related to water conservation to eligible producers in the Klamath Basin, as determined by the Secretary.

SEC. 2105. Under the heading of ''Food Stamp Program'' in Public Law 106–387, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, in the sixth proviso, strike ''$194,000,000'' and insert in lieu thereof ''$191,000,000''.

SEC. 2106. Of funds which may be reserved by the Secretary for allocation to State agencies under section 16(h)(1) of the Food Stamp Act of 1977 to carry out Employment and Training programs, $39,500,000 made available in prior years are rescinded and returned to the Treasury.

SEC. 2107. In addition to amounts otherwise available, $2,000,000 from amounts pursuant to 15 U.S.C. 713a–4 for the Secretary of Agriculture to make available financial assistance related to water conservation to eligible producers in the Yakima Basin, Washington, as determined by the Secretary.

CHAPTER 2

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

COASTAL AND OCEAN ACTIVITIES

(INCLUDING RESCISSION)

Of the funds made available in Public Law 106–553 for the costs of construction of a research center at the ACE Basin National Estuarine Research Reserve, for use under this heading until expended, $8,000,000 are rescinded.

For an additional amount for the activities specified in Public Law 106–553 for which funds were rescinded in the preceding paragraph, $3,000,000, to remain available until expended for construction and $5,000,000, to remain available until expended for land acquisition.

DEPARTMENTAL MANAGEMENT

EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM

(RESCISSION)

Of the funds made available in the Emergency Oil and Gas Guaranteed Loan Program Act (chapter 2 of Public Law 106–51; 113 Stat. 255–258), $114,800,000 are rescinded.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

Of the funds made available in Public Law 106–553 for the costs of technical assistance related to the New Markets Venture Capital Program for use under this heading in only fiscal year 2001, $30,000,000 are rescinded.

For an additional amount for the activities specified in Public Law 106–553 for which funds were rescinded in the preceding paragraph, $30,000,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION)

Of the funds made available in Public Law 106–553 for the costs of guaranteed loans under the New Markets Venture Capital Program for use under this heading in only fiscal year 2001, $22,000,000 are rescinded.

For an additional amount for the activities specified in Public Law 106–553 for which funds were rescinded in the preceding paragraph, $22,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2201. Section 144(d) of Division B of Public Law 106–554 is amended—

(1) in paragraph (1) and paragraph (5)(B) by striking ''not later than May 1, 2001'' and inserting in lieu thereof ''as soon as practicable'';

(2) in paragraph (2)(B)(i) by striking ''paragraph'' and inserting in lieu thereof ''paragraph: Provided, That regulations published by the Secretary to implement this section shall provide for replacement vessels and the marriage of fishing history from different vessels, and no vessels shall be prevented from fishing by virtue of this sentence until such regulations are final'';

(3) in paragraph (3) by striking ''the May 1, 2001 date'' and inserting in lieu thereof ''the direction to issue regulations as soon as practicable as''; and

(4) in paragraph (3) by striking ''with that date''.

SEC. 2202. (a) Section 12102(c) of title 46, United States Code is amended—

(1) in paragraph (2)(B) by striking ''or the use'' and all that follows in such paragraph and inserting in lieu thereof ''or the exercise of rights under loan or mortgage covenants by a mortgagee eligible to be a preferred mortgagee under section 31322(a) of this title, provided that a mortgagee not eligible to own a vessel with a fishery endorsement may only operate such a vessel to the extent necessary for the immediate safety of the vessel or for repairs, drydocking or berthing changes.''; and

(2) by striking paragraph (4) and renumbering the remaining paragraph accordingly.

(b) Section 202(b) of the American Fisheries Act (Public Law 105–277, Division C, Title II) is amended by striking paragraph (4)(B) and all that follows in such paragraph and inserting in lieu thereof the following:

''(B) a state or federally chartered financial institution that is insured by the Federal Deposit Insurance Corporation;

''(C) a farm credit lender established under Title 12, Chapter 23 of the United States Code;

''(D) a commercial fishing and agriculture bank established pursuant to State law;

''(E) a commercial lender organized under the laws of the United States or of a State and eligible to own a vessel under section 12102(a) of this title; or

''(F) a mortgage trustee under subsection (f) of this section.''.

(c) Section 31322 of title 46, United States Code is amended by adding at the end the following new subsections:

''(f)(1) A mortgage trustee may hold in trust, for an individual or entity, an instrument or evidence of indebtedness, secured by a mortgage of the vessel to the mortgage trustee, provided that the mortgage trustee—

''(A) is eligible to be a preferred mortgagee under subsection (a)(4), subparagraphs (A)–(E) of this section;

''(B) is organized as a corporation, and is doing business, under the laws of the United States or of a State;

''(C) is authorized under those laws to exercise corporate trust powers;

''(D) is subject to supervision or examination by an official of the United States Government or a State;

''(E) has a combined capital and surplus (as stated in its most recent published report of condition) of at least $3,000,000; and

''(F) meets any other requirements prescribed by the Secretary.

''(2) If the beneficiary under the trust arrangement is not a commercial lender, a lender syndicate or eligible to be a preferred mortgagee under subsection (a)(4), subparagraphs (A)–(E) of this section, the Secretary must determine that the issuance, assignment, transfer, or trust arrangement does not result in an impermissible transfer of control of the vessel to a person not eligible to own a vessel with a fishery endorsement under section 12102(c) of this title.

''(3) A vessel with a fishery endorsement may be operated by a mortgage trustee only with the approval of the Secretary.

''(4) A right under a mortgage of a vessel with a fishery endorsement may be issued, assigned, or transferred to a person not eligible to be a mortgagee of that vessel under this section only with the approval of the Secretary.

''(5) The issuance, assignment, or transfer of an instrument or evidence of indebtedness contrary to this subsection is voidable by the Secretary.

''(g) For purposes of this section a 'commercial lender' means an entity primarily engaged in the business of lending and other financing transactions with a loan portfolio in excess of $100,000,000, of which not more than 50 per centum in dollar amount consists of loans to borrowers in the commercial fishing industry, as certified to the Secretary by such lender.

''(h) For purposes of this section a 'lender syndicate' means an arrangement established for the combined extension of credit of not less than $20,000,000 made up of four or more entities that each have a beneficial interest, held through an agent, under a trust arrangement established pursuant to subsection (f), no one of which may exercise powers thereunder without the concurrence of at least one other unaffiliated beneficiary.''.

(d) Section 31322 of title 46, United States Code as amended in this section, and as amended by section 202(b) of the American Fisheries Act (Public Law 105–277, Division C, Title II) shall not take effect until April 1, 2003, nor shall the Secretary of Transportation, in determining whether a vessel owner complies with the requirements of section 12102(c) of title 46, United States Code, consider the citizenship status of a lender, in its capacity as a lender with respect to that vessel owner, until after April 1, 2003.

CHAPTER 3

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

For an additional amount for ''Governmental Direction and Support'', $5,400,000 from local funds for a natural gas increase.

ECONOMIC DEVELOPMENT AND REGULATION

For an additional amount for ''Economic Development and Regulation'', $1,000,000 from local funds for the implementation of the New E-Conomy Transformation Act of 2000, (D.C. Act 13–543), and $624,820 for the Department of Consumer and Regulatory Affairs for the purposes of D.C. Code, sec. 5–513: Provided, That the Department shall transfer all local funds resulting from the lapse of personnel vacancies, caused by transferring Department of Consumer and Regulatory Affairs employees into NSO positions without the filling of the resultant vacancies, into the general fund to be used to implement the provisions in DC Bill 13–646, the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, pertaining to the prevention of the demolition by neglect of historic properties: Provided further, That the fees established and collected pursuant to Bill 13–646 shall be identified, and an accounting provided, to the Committee on Consumer and Regulatory Affairs of the Council of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

For an additional amount for ''Public Safety and Justice'', $8,901,000 from local funds, including $2,800,000 for the Metropolitan Police Department ($800,000 for the speed camera program, $2,000,000 for the Fraternal Order of Police arbitration award and the Fair Labor Standards Act liability), $5,540,000 for the Fire and Emergency Medical Services Department's pre-tax payments for pension, health and life insurance premiums, $400,000 for the fifth firefighter on trucks initiative, and $161,000 for the Child Fatality Review Committee established pursuant to the Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14–40) and the Child Fatality Review Committee Establishment Temporary Act of 2001 (Bill 14–165).

In addition, all funds whenever deposited in the District of Columbia Antitrust Fund established pursuant to section 2 of the District of Columbia Antitrust Act of 1980 (D.C. Law 3–169; D.C. Code § 28–4516), the Antifraud Fund established pursuant to section 820 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code § 1–1188.20), and the District of Columbia Consumer Protection Fund established pursuant to section 1402 of the District of Columbia Budget Support Act for Fiscal Year 2001 (D.C. Law 13–172; D.C. Code § 28–3911), are hereby made available for the use of the Office of the Corporation Counsel of the District of Columbia until September 30, 2002, in accordance with the statutes that established these funds.

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 2001, in the District of Columbia Appropriations Act, 2001, approved November 22, 2000 (Public Law 106–522), $131,000 for Taxicab Inspectors are rescinded.

PUBLIC EDUCATION SYSTEM

For an additional amount for ''Public Education System'', $1,000,000 from local funds for the State Education Office for a census-type audit of the student enrollment of each District of Columbia Public School and of each public charter school and $12,000,000 from local funds for the District of Columbia Public Schools to conduct the 2001 summer school session.

In addition, Section 108(b) of the District of Columbia Public Education Act, Public Law 89–791 as amended (sec. 31–1408, D.C. Code), is amended by adding a new sentence at the end of the subsection, which states: ''In addition, any proceeds and interest accruing thereon, which remain from the sale of the former radio station WDCU in an escrow account of the District of Columbia Financial Management and Assistance Authority for the benefit of the University of the District of Columbia, shall be used for the University of the District of Columbia's Endowment Fund. Such proceeds may be invested in equity based securities if approved by the Chief Financial Officer of the District of Columbia.''.

HUMAN SUPPORT SERVICES

Notwithstanding any other provisions of the District of Columbia Appropriations Act, 2001, for an additional amount for ''Human Support Services'', $28,000,000 from local funds (including $19,000,000 for Medicaid expansion and increased utilization and a DSH cap increase, $3,000,000 for a disability compensation fund, $1,000,000 for the Office of Latino Affairs, and $5,000,000 for the Children Investment Trust).

PUBLIC WORKS

For an additional amount for ''Public Works'', $131,000 from local funds for Taxicab Inspectors.

FINANCING AND OTHER USES

WORKFORCE INVESTMENTS

For expenses associated with the workforce investments program, $40,500,000 from local funds.

WILSON BUILDING

For an additional amount for ''Wilson Building'', $7,100,000 from local funds.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY

For an additional amount for ''Water and Sewer Authority'', $2,151,000 from local funds for initiatives associated with complying with stormwater legislation and proposed right-of-way fees.

GENERAL PROVISION—THIS CHAPTER

SEC. 2301. REPORT BY THE MAYOR. Pursuant to Section 222 of Public Law 104–8, the Mayor of the District of Columbia shall provide the House and Senate Committees on Appropriations, the Senate Committee on Governmental Affairs, and the House Committee on Government Reform with recommendations relating to the transition of responsibilities under Public Law 104–8, the District of Columbia Financial Responsibility Act of 1995, at the earliest time practicable.

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', $50,000,000, as authorized by Section 5 of the Flood Control Act of August 18, 1941, as amended, to remain available until expended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For an additional amount for ''Non-Defense Environmental Management'', $11,400,000, to remain available until expended.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

(TRANSFER OF FUNDS)

For an additional amount for ''Uranium Facilities Maintenance and Remediation'', $18,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. AUTHORIZATION TO ACCEPT PREPAYMENT OF OBLIGATIONS. (a) IN GENERAL.—Notwithstanding section 213(a) of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm(a)), the Bureau of Reclamation may accept prepayment for all financial obligations under Contract 178r–423 (including Amendment 4) (referred to in this section as the ''Contract'') entered into with the United States.

(b) CONTRACTUAL OBLIGATIONS.—If full prepayment of all financial obligations under the Contract is offered—

(1) the Secretary of the Interior shall accept the prepayment; and

(2) on acceptance by the Secretary of the prepayment all land covered by the Contract shall not be subject to the ownership and full cost pricing limitation under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

SEC. 2402. Of the funds provided under the heading ''Power Marketing Administration, Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration'', in Public Law 106–377, not less than $250,000 shall be provided for a study to determine the costs and feasibility of transmission expansion: Provided, That these funds shall be non-reimbursable: Provided further, That these funds shall be available until expended.

SEC. 2403. INCLUSION OF RENAL CANCER AS BASIS FOR BENEFITS UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000. Section 3621(17) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by

Public Law 106–398); 114 Stat. 1654A–502) is amended by adding at the end the following new subparagraph:

''(C) Renal cancers.''.

CHAPTER 5

BILATERAL ECONOMIC ASSISTANCE

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

(INCLUDING RESCISSION)

For an additional amount for ''Child Survival and Disease Programs Fund'', $100,000,000, to remain available until expended: Provided, That this amount may be made available, notwithstanding any other provision of law, for a United States contribution to a global trust fund to combat HIV/AIDS, malaria, and tuberculosis.

Of the funds made available under this heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, (as contained in section 101(a) of Public Law 106–429) which are designated for a contribution to an international HIV/AIDS fund, $10,000,000 are rescinded.

GENERAL PROVISION—THIS CHAPTER

SEC. 2501. The final proviso in section 526 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as enacted into law by section 1000(a)(2) of Public Law 106–113), as amended, is hereby repealed, and the funds identified by such proviso shall be made available pursuant to the authority of section 526 of Public law 106–429.

CHAPTER 6

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount to address increased permitting responsibilities related to energy needs, $3,000,000, to remain available until expended, and to be derived by transfer from unobligated balances available to the Department of the Interior for the acquisition of lands and interests in lands.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

(INCLUDING RESCISSIONS)

Of the amounts made available to the National Park Service under this heading in Public Law 106–291, $200,000 for completion of a wilderness study at Apostle Islands National Lakeshore, Wisconsin, are rescinded.

For an additional amount for ''Operation of the National Park System'', $200,000, to remain available until expended, for completion of a wilderness study at Apostle Islands National Lakeshore, Wisconsin: Provided, That these funds shall be made available under the same terms and conditions as authorized for the funds in Public Law 106–291.

Of the amounts transferred to the Secretary of the Interior, pursuant to section 311 of chapter 3 of division A of appendix D of Public Law 106–554 for maintenance, protection, or preservation of the land and interests in land described in section 3 of the Minuteman Missile National Historic Site Establishment Act of 1999, $4,000,000 are rescinded.

For an additional amount for ''Operation of the National Park System'', $4,000,000, to remain available until expended, for maintenance, protection, or preservation of the land and interests in land described in section 3 of the Minuteman Missile National Historic Site Establishment Act of 1999: Provided, That these funds shall be made available under the same terms and conditions as authorized for the funds pursuant to section 311 of chapter 3 of division A of appendix D of Public Law 106–554.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Operation of Indian Programs'', $50,000,000, to remain available until September 30, 2002, for electric power operations at the San Carlos Irrigation Project, of which such amounts as necessary may be transferred to other appropriations accounts for repayment of advances previously made for such power operations.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

For an additional amount for ''State and Private Forestry'' to repair damage caused by ice storms in the States of Arkansas and Oklahoma, $10,000,000, to remain available until expended.

For an additional amount for ''State and Private Forestry'', $750,000 to be provided to the Kenai Peninsula Borough Spruce Bark Beetle Task Force for emergency response and communications equipment and $1,750,000 to be provided to the Municipality of Anchorage for emergency fire fighting equipment and response to respond to wildfires in spruce bark beetle infested forests, to remain available until expended: Provided, That such amounts shall be provided as direct lump sum payments within 30 days of enactment of this Act.

NATIONAL FOREST SYSTEM

For an additional amount for the ''National Forest System'' to repair damage caused by ice storms in the States of Arkansas and Oklahoma, $10,000,000, to remain available until expended.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING RESCISSION)

Of the funds appropriated in Title V of Public Law 105–83 for the purposes of section 502(e) of that Act, the following amounts are rescinded: $1,000,000 for snow removal and pavement preservation and $4,000,000 for pavement rehabilitation.

For an additional amount for ''Capital Improvement and Maintenance'', $5,000,000, to remain available until expended, for the purposes of section 502(e) of Public Law 105–83.

For an additional amount for ''Capital Improvement and Maintenance'' to repair damage caused by ice storms in the States of Arkansas and Oklahoma, $4,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 2601. Pursuant to title VI of the Steens Mountain Cooperative Management and Protection Act, Public Law 106–399, the Bureau of Land Management may transfer such sums as are necessary to complete the individual land exchanges identified under title VI from unobligated land acquisition balances.

SEC. 2602. Section 338 of Public Law 106–291 is amended by striking ''105–825'' and inserting in lieu thereof: ''105–277''.

SEC. 2603. Section 2 of Public Law 106–558 is amended by striking subsection (b) in its entirety and inserting in lieu thereof:

''(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.''.

SEC. 2604. Federal Highway Administration emergency relief for Federally owned roads, made available to the Forest Service as Federal-aid highways funds, may be used to reimburse Forest Service accounts for expenditures previously completed only to the extent that such expenditures would otherwise have qualified for the use of Federal-aid highways funds.

SEC. 2605. Notwithstanding any other provision of law, $2,000,000 provided to the Forest Service in Public Law 106–291 for the Region 10 Jobs in the Woods program shall be advanced as a direct lump sum payment to Ketchikan Public Utilities within thirty days of enactment: Provided, That such funds shall be used by Ketchikan Public Utilities specifically for hiring workers for the purpose of removing timber within the right-of-way for the Swan Lake-Lake Tyee Intertie.

SEC. 2606. Section 122(a) of Public Law 106–291 is amended by:

(1) inserting ''hereafter'' after ''such amounts''; and

(2) striking ''June 1, 2000'' and inserting ''June 1 of the preceding fiscal year''.

SEC. 2607. Section 351 of Public Law 105–277 is amended by striking ''prior to September 30, 2001'' and inserting in lieu thereof: ''and hereafter''.

SEC. 2608. SUDDEN OAK DEATH SYNDROME. In addition to amounts transferred under section 442(a) of the Plant Protection Act (7 U.S.C. 7772(a)), the Secretary of Agriculture shall transfer to the Forest Service, pursuant to that section, an additional $1,400,000 to be used by appropriate offices within the Forest Service that carry out research and development activities to arrest, control, eradicate, and prevent the spread of Sudden Oak Death Syndrome, to be derived by transfer from the unobligated balance available to the Secretary of Agriculture for the acquisition of land and interests in land.

CHAPTER 7

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING RESCISSIONS)

For an additional amount to carry out chapter 4 of the Workforce Investment Act, $45,000,000 to be available for obligation for the period April 1, 2001 through June 30, 2002.

Of the funds made available under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554), $45,000,000 are rescinded including $25,000,000 available for obligation for the period April 1, 2001 through June 30, 2002 to carry out section 169 of the Workforce Investment Act, and $20,000,000 available for obligation for the period July 1, 2001 through June 30, 2002 for Safe Schools/Healthy Students.

Of the funds made available under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554), for Dislocated Worker Employment and Training Activities, $217,500,000 available for obligation for the period July 1, 2001 through June 30, 2002 are rescinded: Provided, That, notwithstanding any other provision of law, $160,000,000 is from amounts allotted under section 132(a)(2)(B), and $57,500,000 is from the National Reserve under section 132(a)(2)(A) of the Workforce Investment Act: Provided further, That notwithstanding any other provision of law, the Secretary shall increase State allotments under section 132(b)(2) of the Workforce Investment Act for program year 2001 by the reallotment of excess unexpended balances, as determined by the Secretary, as of June 30, 2001, from those States determined to have excess unexpended balances: Provided further, That the rescission of funds under section 132(a)(2)(B) is effective at the time the Secretary re-allots excess unexpended balances to the States: Provided further, That the amount reallocated to any State, when added to the State's formula allotment under section 132(b)(2), shall equal, to the extent possible, the amount the State would have received on July 1, 2001 had no rescission been enacted.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554) is amended by striking ''$226,224,000'' and inserting ''$224,724,000''.

The provision for Northeastern University is amended by striking ''doctors'' and inserting ''allied health care professionals''.

NATIONAL INSTITUTES OF HEALTH

(TRANSFER OF FUNDS)

Funds appropriated to the Office of the Director, National Institutes of Health, in fiscal year 2001 for the Office of Biomedical Imaging, Bioinformatics and Bioengineering are transferred to the National Institute of Biomedical Imaging and Bioengineering.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out the Public Health Service Act with respect to mental health services, $6,500,000 for maintenance, repair, preservation, and protection of the Federally owned facilities, including the Civil War Cemetery, at St. Elizabeths Hospital, which shall remain available until expended.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for ''Low Income Home Energy Assistance'' under section 2602(e) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621(e)), $300,000,000, to remain available until expended: Provided, That these funds are for the home energy assistance needs of one or more States, as authorized by section 2604(e) of that Act and notwithstanding the designation requirement of section 2602(e) of such Act.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

In the statement of the managers of the committee of conference accompanying H.R. 4577 (Public Law 106–554; House Report 106–1033), in title III of the explanatory language on H.R. 5656 (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001), in the matter relating to Technology Innovation Challenge Grants under the heading ''Education Reform'', the amount specified for Western Kentucky University to improve teacher preparation programs that help incorporate technology into the school curriculum shall be deemed to be $400,000.

EDUCATION FOR THE DISADVANTAGED

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554) is amended by striking ''$7,332,721,000'' and inserting ''$7,237,721,000''.

For an additional amount (to the corrected amount under this heading) for ''Education for the Disadvantaged'' to carry out part A of title I of the Elementary and Secondary Education Act of 1965 in accordance with the eighth proviso under that heading, $161,000,000, which shall become available on July 1, 2001, and shall remain available through September 30, 2002.

IMPACT AID

Of the $12,802,000 available under the heading ''Impact Aid'' in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554) for construction under section 8007 of the Elementary and Secondary Education Act of 1965, $6,802,000 shall be used as directed in the first proviso under that heading, and the remaining $6,000,000 shall be distributed to eligible local educational agencies under section 8007, as such section was in effect on September 30, 2000.

SPECIAL EDUCATION

In the statement of the managers of the committee of conference accompanying H.R. 4577 (Public Law 106–554; House Report 106–1033), in title III of the explanatory language on H.R. 5656 (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001), in the matter relating to Special Education Research and Innovation under the heading ''Special Education'', the provision for training, technical support, services and equipment through the Early Childhood Development Project in the Mississippi Delta Region shall be applied by substituting ''Easter Seals—Arkansas'' for ''the National Easter Seals Society''.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554) is amended by striking ''$139,624,000'' and inserting ''$139,853,000''.

In the statement of the managers of the committee of conference accompanying H.R. 4577 (Public Law 106–554; House Report 106–1033), in title III of the explanatory language on H.R. 5656 (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001), in the matter relating to the Fund for the Improvement of Education under the heading ''Education Research, Statistics and Improvement''—

(1) the aggregate amount specified shall be deemed to be $139,853,000;

(2) the amount specified for the National Mentoring Partnership in Washington, DC for establishing the National E-Mentoring Clearinghouse shall be deemed to be $461,000; and

(3) the provision specifying $1,275,000 for one-to-one computing shall be deemed to read as follows:

''$1,275,000—NetSchools Corporation, to provide one-to-one e-learning pilot programs for Dover Elementary School in San Pablo, California, Belle Haven Elementary School in East Menlo Park, California, East Rock Magnet School in New Haven, Connecticut, Reid Elementary School in Searchlight, Nevada, and McDermitt Combined School in McDermitt, Nevada;''.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2701. (a) Section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2327) is amended—

(1) in subsection (a), by inserting ''that are not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.)'' after ''institutions'';

(2) in subsection (b), by adding ''institutional support of'' after ''for'';

(3) in subsection (d), by inserting ''that is not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.)'' after ''institution''; and

(4) in subsection (e)(1)—

(A) by striking ''and'' at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(C) by adding at the end the following:

''(D) institutional support of vocational and technical education.''.

(b) EFFECTIVE DATE.—

(1) The amendments made by subsection (a) shall take effect on the date of enactment of this section.

(2) The amendments made by subsection (a) shall apply to grants made for fiscal year 2001 only if this section is enacted before August 4, 2001.

SEC. 2702. (a) ESTABLISHMENT OF GRANT PROGRAM.—Section 396 of the Communications Act of 1934 (47 U.S.C 396) is amended by adding the following new subsection:

''GRANT ASSISTANCE FOR TRANSITION TO DIGITAL BROADCASTING.

''(n)(1) The Corporation may, by grant, provide financial assistance to eligible entities for the purpose of supporting the transition of those entities from the use of analog to digital technology for the provision of public broadcasting services.

''(2) Any 'public broadcasting entity' as defined in section 397(11) of the Communications Act of 1934 (47 U.S.C. 397(11)) is an entity eligible to receive grants under this subsection.

''(3) Proceeds of grants awarded under this subsection may be used for costs associated with the transition of public broadcasting stations to assure access to digital broadcasting services, including for the support of digital transmission facilities and for the development, production, and distribution of digital programs and services.

''(4) The grants shall be distributed to the eligible entities in accordance with principles and criteria established by the Corporation in consultation with the public broadcasting licensees and officials of national organizations representing public broadcasting licensees. The principles and criteria shall include special priority for providing digital broadcast services to:

''(A) rural or remote areas;

''(B) areas under-served by public broadcasting stations; and

''(C) areas where the conversion to, or establishment of primary digital public broadcasting services, is impaired by an insufficient availability of private funding for that purpose by reason of the small size of the population or the low average income of the residents of the area.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (k)(1) of section 396 of the Communications Act of 1934 (47 U.S.C. 396) is amended—

(1) by re-designating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

''(D) In addition to any amounts authorized under any other provision of this or any other Act to be appropriated to the Fund, funds are hereby authorized to be appropriated to the Fund solely (notwithstanding any other provision of this subsection) for carrying out the purposes of subsection (n) as follows:

''(i) For fiscal year 2001, $20,000,000 to carry out the purposes of subsection (n);

''(ii) For fiscal year 2002, such sums as may be necessary to carry out the purposes of subsection (n).''.

SEC. 2703. IMPACT AID. (a) LEARNING OPPORTUNITY THRESHOLD PAYMENTS.—Section 8003(b)(3)(B)(iv) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(3)(B)(iv) (as amended by section 1806(b)(2)(C) of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106–398)) is amended by inserting ''or less than the average per-pupil expenditure of all the States'' after ''of the State in which the agency is located''.

(b) FUNDING.—The Secretary of Education shall make payments under section 8003(b)(3)(B)(iv) of the Elementary and Secondary Education Act of 1965 from the $882,000,000 available under the heading ''Impact Aid'' in title III of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by section 1 of Public Law 106–554) for basic support payments under section 8003(b).

CHAPTER 8

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $35,000.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For an additional amount for ''Congressional Printing and Binding'', $9,900,000.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the ''Government Printing Office Revolving Fund'', $6,000,000, to remain available until expended, for air-conditioning and lighting systems.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2801. Section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6(a)) is amended—

(1) by inserting after the second sentence the following: ''The President pro tempore emeritus of the Senate is authorized to appoint and fix the compensation of one individual consultant, on a temporary or intermittent basis, at a daily rate of compensation not in excess of that specified in the first sentence of this subsection.''; and

(2) in the last sentence by inserting ''President pro tempore emeritus,'' after ''President pro tempore,''.

SEC. 2802. The Abraham Lincoln Bicentennial Commission Act, Public Law 106–173, February 25, 2000 is hereby amended in section 7 by striking subsection (e) and inserting the following:

''(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Librarian of Congress shall provide to the Commission, on a reimbursable basis, administrative support services necessary for the Commission to carry out its responsibilities under this Act, including disbursing funds available to the Commission, and computing and disbursing the basic pay for Commission personnel.''.

SEC. 2803. Notwithstanding any limitation in 31 U.S.C. sec. 1553(b) and 1554, the Architect of the Capitol may use current year appropriations to reimburse the Department of the Treasury for prior year water and sewer services payments otherwise chargeable to closed accounts.

SEC. 2804. That notwithstanding any other provision of law, and specifically section 5(a) of the Employment Act of 1946 (15 U.S.C. 1024(a)), the Members of the Senate to be appointed by the President of the Senate shall for the duration of the One Hundred Seventh Congress, be represented by six Members of the majority party and five Members of the minority party.

CHAPTER 9

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $92,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements'', $4,000,000, to remain available until expended, for the repair of Coast Guard facilities damaged during the Nisqually earthquake or for costs associated with moving the affected Coast Guard assets to an alternative site within Seattle, Washington.

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103, as amended, $30,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

EMERGENCY HIGHWAY RESTORATION

For the costs associated with the long term restoration or replacement of seismically-vulnerable highways recently damaged during the Nisqually earthquake, $12,800,000, to remain available until expended: Provided, That of the amount made available under this head, $3,800,000 shall be for the Alaskan Way Viaduct in Seattle, Washington and $9,000,000 shall be for the Magnolia Bridge in Seattle, Washington.

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under Public Law 94–280, Public Law 95–599, Public Law 97–424, Public Law 102–240, and Public Law 100–17, $14,000,000 are rescinded.

ALASKA RAILROAD COMMISSION

To enable the Secretary of Transportation to make an additional grant to the Alaska Railroad, $2,000,000 for a joint United States-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2901. (a) Item 143 in the table under the heading ''Capital Investment Grants'' in title I of the Department of Transportation and Related Agencies Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–456) is amended by striking ''Northern New Mexico park and ride facilities'' and inserting ''Northern New Mexico park and ride facilities and State of New Mexico, Buses and Bus-Related Facilities''.

(b) Item 167 in the table under the heading ''Capital Investment Grants'' in title I of the Department of Transportation and Related Agencies Appropriations Act, 2000 (Public Law 106–69; 113 Stat. 1006) is amended by striking ''Northern New Mexico Transit Express/Park and Ride buses'' and inserting ''Northern New Mexico park and ride facilities and State of New Mexico, Buses and Bus-Related Facilities''.

SEC. 2902. Notwithstanding section 47105(b)(2) of title 49, United States Code or any other provision of law, an application for a project grant under chapter 471 of that title may propose projects at Abbeville Municipal Airport and Akutan Airport, and the Secretary may make project grants for such projects.

SEC. 2903. Hereafter, funds made available under ''Capital Investment Grants'' in Public Law 105–277 for item number 15 and for any new fixed guideway system project cited as a ''fixed guideway modernization'' project shall not be made available for any other Federal transit project.

CHAPTER 10

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Salaries and Expenses'' to reimburse any agency of the Department of the Treasury or other Federal agency for costs of providing operational and perimeter security at the 2002 Winter Olympics in Salt Lake City, Utah, $59,956,000, to remain available until September 30, 2002.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $49,576,000, to remain available through September 30, 2002.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For an additional amount for ''Processing, Assistance, and Management'', $66,200,000, to remain available through September 30, 2002.

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Of the funds made available under this heading in H.R. 5658 of the 106th Congress, as incorporated by reference in Public Law 106–554, $1,000,000 shall be transferred and made available for necessary expenses incurred pursuant to section 6(7) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5604(7)), to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

SEC. 21001. Section 413 of H.R. 5658, as incorporated by reference in Public Law 106–554, is amended to read as follows:

''SEC. 413. DESIGNATION OF THE PAUL COVERDELL BUILDING. The recently-completed classroom building constructed on the Core Campus of the Federal Law Enforcement Training Center in Glynco, Georgia, shall be known and designated as the 'Paul Coverdell Building'.''

CHAPTER 11

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for ''Compensation and Pensions'', $589,413,000, to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for ''Readjustment Benefits'', $347,000,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(TRANSFER OF FUNDS)

Of the amounts available in the Medical Care account, not more than $19,000,000 may be transferred not later than September 30, 2001, to the General Operating Expenses account, for the administrative expenses of processing compensation and pension claims, of which up to $5,000,000 may be used for associated travel expenses.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

NATIVE AMERICAN HOUSING BLOCK GRANTS

For an additional amount for ''Native American Housing Block Grants'', $5,000,000, to remain available until expended: Provided, That these funds shall be made available to the Turtle Mountain Band of Chippewa for emergency housing, housing assistance and other assistance to address the mold problem at the Turtle Mountain Indian Reservation: Provided further, That these funds shall be released upon the submission of a plan by the Turtle Mountain Band of Chippewa to the Secretary of Housing and Urban Development to address these emergency housing needs and related problems: Provided further, That the Federal Emergency Management Agency shall provide technical assistance to the Turtle Mountain Band of Chippewa with respect to the acquisition of emergency housing and related issues on the Turtle Mountain Indian Reservation.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING RESCISSION)

Except for the amount made available for the cost of guaranteed loans as authorized under section 108 of the Housing and Community Development Act of 1974, the unobligated balances available in Public Law 106–377 for use under this heading in only fiscal year 2001 are rescinded as of the date of enactment of this provision.

The amount of the unobligated balances rescinded in the preceding paragraph is appropriated for the activities specified in Public Law 106–377 for which such balances were available, to remain available until September 30, 2003.

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended with respect to the amount made available for Rio Arriba County, New Mexico by striking the words ''for an environmental impact statement'' and inserting the words ''for a regional landfill''.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(TRANSFER OF FUNDS)

Of the amounts available for administrative expenses and administrative contract expenses under the headings, ''FHA—Mutual Mortgage Insurance Program Account'', ''FHA—General and Special Risk Program Account'', and ''Salaries and expenses, management and administration'' in title II of the Departments of Veterans Affairs and Housing and Urban Development,

and Independent Agencies Appropriations Act, 2001, as enacted by Public Law 106–377, not to exceed $8,000,000 is available to liquidate deficiencies incurred in fiscal year 2000 in the ''FHA—Mutual Mortgage Insurance Program Account''.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

The matter under this heading in title IV of the Legislative Branch Appropriations Act, 2001, as enacted by reference by Public Law 106–554 (114 Stat. 2763A–124), is amended by striking the three provisos.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking all after the words ''Beloit, Wisconsin'' in reference to item number 236, and inserting the words ''extension of separate sanitary sewers and extension of separate storm sewers''.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,000,000 to remain available until expended for costs related to Tropical Storm Allison.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

Notwithstanding the proviso under the heading, ''Human Space Flight'', in Public Law 106–74, $40,000,000 of the amount provided therein shall be available for preparations necessary to carry out future research supporting life and micro-gravity science and applications.

TITLE III—GENERAL PROVISIONS

SEC. 3001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 3002. UNITED STATES-CHINA SECURITY REVIEW COMMISSION. There are hereby appropriated, out of any funds in the Treasury not otherwise appropriated, $1,700,000, to remain available until expended, to the United States-China Security Review Commission.

SEC. 3003. DESIGNATION OF ENGINEERING AND MANAGEMENT BUILDING AT NORFOLK NAVAL SHIPYARD, VIRGINIA, AFTER NORMAN SISISKY. The engineering and management building (also known as Building 1500) at Norfolk Naval Shipyard, Portsmouth, Virginia, shall be known as the Norman Sisisky Engineering and Management Building. Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Norman Sisisky Engineering and Management Building.

This Act may be cited as the ''Supplemental Appropriations Act, 2001''.

UNANIMOUS CONSENT AGREEMENT—H.R. 333

Mr. REID. Mr. President, I ask unanimous consent that the previously ordered debate with respect to the Nelson of Florida amendment No. 893 occur immediately following the vote on cloture on the motion to proceed to H.R. 333; the offering of the substitute amendment, and cloture being filed on that amendment, as under the previous order; further, that no amendments be in order to the substitute amendment to H.R. 333 prior to the cloture vote on the substitute amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING USE OF THE ROTUNDA OF THE CAPITOL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 174 just received from the House.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 174) authorizing the Rotunda of the Capitol to be used on July 26, 2001, for a ceremony to present Congressional Gold Medals to the original 29 Navajo Code Talkers.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 174) was agreed to.

EXECUTIVE SESSION

NOMINATION OF OTHONEIL ARMENDARIZ TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY

NOMINATION OF KAY COLES JAMES TO BE DIRECTOR OF THE OFFICER OF PERSONNEL MANAGEMENT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations reported earlier today by the Government Affairs Committee:

Othoneil Armendariz, to be a member of the Federal Labor Relations Authority;

Kay Coles James, to be the Director of the Office of Personnel Management;

that the nominations be confirmed, the motions to reconsider be laid on the table, that any statements thereon appear at the appropriate place in the RECORD, and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

OFFICE OF PERSONNEL MANAGEMENT

Kay Coles James, of Virginia, to be Director of the Office of Personnel Management.

FEDERAL LABOR RELATIONS AUTHORITY

Othoneil Armendariz, of Texas, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2005.

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Nos. 182 through 196 and all nominations on the Secretary's desk; that the nominations be confirmed, en bloc; that any statements therein be printed at the appropriate place in the RECORD; the motions to reconsider be laid upon the table; the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

Pierre-Richard Prosper, of California, to be Ambassador at Large for War Crimes Issues.

Charles J. Swindells, of Oregon, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Samoa.

Margaret DeBardeleben Tutwiler, of Alabama, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco.

Wendy Jean Chamberlin, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

William S. Farish, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland.

Francis Xavier Taylor, of Maryland, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

Robert D. Blackwill, of Kansas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India.

Anthony Horace Gioia, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

Howard H. Leach, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

William A. Eaton, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Assistant Secretary of State (Administration).

Alexander R. Vershbow, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Russian Federation.

Clark T. Randt, Jr., of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China.

C. David Welch, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Arab Republic of Egypt.

Douglas Alan Hartwick, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic.

Daniel C. Kurtzer, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

FOREIGN SERVICE

PN508 Foreign Service nominations (110) beginning Stephen K. Morrison, and ending Joseph Laurence Wright, II, which nominations were received by the Senate and appeared in the Congressional Record of June 12, 2001.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR NO. 104

Mr. REID. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, may turn to the consideration of Executive Calendar No. 104, the nomination of John Graham to be the Administrator of the Office of Regulatory Affairs at OMB and that it be considered under the following time limitation:

One hour under the control of Senator LIEBERMAN, 3 hours under the control of Senator THOMPSON, 2 hours under the control of Senator DURBIN, 2 hours under the control of Senator WELLSTONE, 15 minutes under the control of Senator KERRY; that upon the use or yielding back of the time, the Senate vote at a time to be determined by the two leaders on the nomination; that upon the disposition of the nomination, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JULY 12, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 o'clock a.m., on Thursday, July 12. I further ask consent that on Thursday immediately following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the motion to proceed to H.R. 333, the House Bankruptcy Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, on Thursday, the Senate will convene at 9 a.m. and resume consideration of the motion to proceed to the House Bankruptcy Reform Act, with 3 hours for debate prior to a cloture vote on the motion to proceed.

Following consideration of the bankruptcy act on Thursday, the Senate will resume consideration of the Interior appropriations bill with a vote in relation to Nelson of Florida amendment No. 893.

At 11:30 a.m., the Senate will swear in the new Secretary of the Senate, Jeri Thomson.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, I ask unanimous consent that following the remarks of Senator MURRAY and Senator CANTWELL, who will be recognized to speak on matters of importance to them and their States and the country, the Senate stand in adjournment under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the majority leader has indicated that the two managers of the bill have stated they believe they can complete the bill tomorrow. If not, we will have to complete it on Friday. We are quite certain that will not happen, but the leader wanted us to notify people in case we were unable to finish tomorrow.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized.

LOSS OF FOUR WASHINGTON FIREFIGHTERS

Mrs. MURRAY. Mr. President, I come to the Senate Chamber this evening to join my colleague, Senator MARIA CANTWELL, in acknowledging four young Americans who lost their lives in service to our country last evening.

Like many Americans, this morning I awoke to the very tragic news that four firefighters had died while battling a wildfire near Winthrop, WA.

Today I want my colleagues and the American people to know the names of those four brave firefighters: Tom Craven, 30 years old, of Ellensburg, WA; Karen Fitzpatrick, 18 years old of Yakima, WA; Devin Weaver, 21, of Yakima; and Jessica Johnson, 19, also from Yakima.

These were young people.

These were people who put themselves in harms way to keep the rest of us safe.

Today, my thoughts and prayers are with the families of those four courageous firefighters.

It's hard to imagine the dangers that firefighters face every day. But they choose to fight fires to help protect the rest of us—our families and our communities.

When something like this happens, it makes all of us stop and think about what they've sacrificed for our safety.

My brother is a firefighter. For years, he fought fires. My family and I understand the risks.

I know how those families feel every day when they send their loved ones off to work.

They are proud of them.

They know they are doing something important for their neighbors and their community.

And they are always hoping they will get back home safely at the end of the day.

This tragedy reminds us all of the dangers that firefighters face every day.

To the families of those four brave young people, please know that we are a grateful nation, and you are all in our thoughts and prayers.

I also want to wish a speedy recovery for the other firefighters who were injured while battling the wildfire.

I want to thank the firefighters in Washington State—and across the country—for the work they do to protect us.

We own them a debt of gratitude.

Today, we owe four families our condolences and our thanks for their sacrifice. I yield to Senator CANTWELL from Washington State.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, it is with a heavy heart that I come to the floor today after learning of the tragic deaths of four firefighters in the Wenatchee National Forest in Washington state. These courageous firefighters died yesterday battling a wildfire in Okanogan County. A tragedy of this magnitude is felt throughout Washington state, but should also be recognized and mourned by a grateful nation.

This is the nation's deadliest wildfire since 1994. On behalf of the citizens of Washington State, I extend my deepest sympathies to the families of the four brave men and women who gave their lives to protect their neighbors. Squad Leader Tom Craven of Ellensburg, Devin Weaver of Yakima, Jessica Johnson of Yakima, and Karen Fitzpatrick of Yakima gave their lives to keep us safe. This tragedy is compounded because these firefighters were so young—the youngest being just 18 years old.

We join their families and friends in mourning their loss.

As Senator MURRAY pointed out, this tragedy reminds us that we often take for granted the men and women who routinely put their lives on the line to protect us. Every state in the nation has experienced the loss of people involved in fighting fires.

I hope the families and friends of these brave firefighters know that the courage and sacrifice of their loved ones will not be forgotten and that our sympathies reach out to their families.

I also want to recognize the hard work of those firefighters who are still fighting; to those who are injured, I also wish them a speedy recovery. The firefighters of the U.S. Forest Service come from all over the country. They have been battling fires for years. This year alone, 300 firefighting personnel are available on the Okanogan and Wenatchee National Forests. These firefighters work year after year in service to their country with little recognition.

On behalf of the residents of Washington State and the Nation, I thank

them for their hard work and their dedication under very trying circumstances. We all remember the sacrifice that each and every one of you have made.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MILLER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FBI OVERSIGHT

Mr. GRASSLEY. Mr. President, I want to discuss with my colleagues the issue of the Federal Bureau of Investigation oversight, and how we can help the Bureau regain the trust and confidence of the American people.

First, I find it very pleasant today to commend Attorney General Ashcroft for something he did. He announced today action to enlarge the jurisdiction of the Office of Inspector General of the Justice Department so that that Office of Inspector General would be able to work with the FBI and the DEA on its own initiative, without jumping through a lot of hoops which were some hoops that were put in place in the previous administration, which, in a sense, put the FBI and the DEA out of bounds from things that you would expect an inspector general of a department to be looking into.

So, effective immediately, then, the inspector general will have primary jurisdiction over allegations of misconduct against employees of the Federal Bureau of Investigation and the Drug Enforcement Agency. This is an important and encouraging step towards overall FBI reform, one which I hope will help to solve the problems that the FBI has with their management culture.

Previous to this, the inspector general could not initiate an investigation within the FBI, or the Drug Enforcement Agency, without the express permission from the Deputy Attorney General. Contrariwise, in most other Departments, the inspector general can do any investigation they want to, unimpeded in any way. It is very important for the inspector general to have that freedom to function. They are not only an agent for the Cabinet Department head, but they are also an agent of the Congress because they can report directly to the Congress. It is essential to have that type of oversight, that type of policing to ferret out wrongdoing.

I have been saying for many years that the FBI should not be allowed to police itself, and I am encouraged by this new step taken today towards the establishment of a free and independent oversight entity which now, truly, the Department of Justice inspector general will be.

I am also pleased to see as part of this order that the Attorney General has enhanced whistleblower protection for FBI employees who come forward with protected disclosures. As an author of legislation that is on the books now for whistleblower protection, the last time we enhanced the protection for whistleblowers there was just enough sympathy—and unjustified sympathy—within this body for the FBI that somehow the FBI could have a separate set of regulations just for whistleblowers within the FBI. As a result, whistleblowers within the FBI have not had the same amount of protection that whistleblowers in any other agency of the Federal Government might have. So this will also help in that direction. I thank the Attorney General for that.

Today, then, following up on this action of the Attorney General, I have forwarded a letter to Attorney General Ashcroft, commending him on these steps, and also request that his office provide me with additional details regarding how the various investigative and audit entities within the Department of Justice, the FBI, and the DEA are to be administered and organized.

Earlier this week, I had the opportunity to meet with FBI Director nominee Robert Mueller. I discussed with Robert Mueller several concerns that I have with how the Bureau has been managed over the past several years. I also discussed with Mr. Mueller my views on the type of leadership that I think the FBI needs.

We have a once-every-10-year opportunity to find someone who can fix the problems inherent in the management culture at the Bureau because that appointment comes up for a 10-year length of time. I want to make sure, during this once-in-a-10-year opportunity, Mr. Mueller understands my concerns.

Part of our discussion concerned the need for strengthening FBI oversight, both on the part of the executive branch, along the lines of what I have been saying about the inspector general, but also from the Congress—oversight, constitutional oversight over the executive branch agencies.

Without asking Mr. Mueller to comment on pending legislation, I mentioned to Mr. Mueller I am working on a bill to permanently extend by statute the jurisdiction that was given today by the Attorney General to the Department of Justice inspector general, so that some future Attorney General cannot put impediments in the way of the inspector general investigating things within the FBI. I encourage Mr. Mueller, should he be confirmed, to make it a priority to ensure that he and the FBI will cooperate fully with whatever oversight entity is in place.

I also discussed with Mr. Mueller the need for increased whistleblower protection for FBI employees. Over the years the FBI has been notorious for retaliating against those who would expose the types of waste, fraud, and abuse in cases that have now become synonymous with a culture of arrogance within the FBI. These are cases such as Ruby Ridge, Waco, the TWA–800 investigation, the FBI crime lab investigation, Richard Jewell, Wen Ho Lee, Robert Hanssen, and most recently the Oklahoma bombing investigation in the McVeigh case.

I will be introducing legislation that will provide statutory protection for FBI whistleblowers to overcome the shortcomings of the legislation that was signed by President Bush in 1989. Those exemptions that were made from the FBI need to be taken out so the whistleblowers in the FBI have the same protection as whistleblowers in any other agency of Government. I hope the new Director will not only support this important reform but will work to ensure these important reforms are communicated clearly throughout the entire Bureau.

I believe that in order to regain the trust and confidence of the American people, the FBI must be open and fully responsive to differing points of view within its own ranks. More importantly, employees must be able to present these opinions in an atmosphere that is free of retaliation that happens so often against people whom we call whistleblowers.

Basically, within any organization there is a great deal of peer pressure to go along to get along. But that peer pressure also has the capability of covering up wrongdoing and bad administration. That is why the process of people telling the truth and coming out in the open is so important.

Without this freedom, the FBI will only continue to suppress and marginalize those who speak out, and things will go on as they have for so long. That is not good. That is what has brought about a culture of arrogance—of believing within the FBI that the FBI can do no wrong.

Perhaps the greatest example of this type of retaliation against a whistleblower occurred in an investigation I made involving a whistleblower by the name of Dr. Fred Whitehurst. You may remember that when Dr. Whitehurst came forward with proof of abusive practices at the FBI crime lab, he was shamelessly discredited by senior FBI officials. An inspector general investigation—after going through all of those hoops I talked about—later supported the assertions made by Dr. Whitehurst. In an effort to get back his good name, Dr. Whitehurst won a settlement that ended up costing the American taxpayers $1 million.

There is something wrong when a whistleblower comes forward and he is not listened to, and he has to sue, and it costs the taxpayers $1 million to settle. He should have been listened to in the first instance.

We want to encourage an environment within all government agencies,

but particularly the FBI, that wrongdoing is not covered up; that people who whistleblow aren't treated like a skunk at a picnic on a Sunday afternoon, that they are held up as somebody who ought to be honored rather than somebody who ought to be suppressed.

I want to make sure to mention that the comments I make about the FBI today, though, should in no way minimize the great sacrifices made every day by hard-working FBI agents and support personnel. These men and women serve their nation proudly. They deserve an organization that has integrity and credibility.

The FBI management system is broken. This does a real disservice to the hard-working agents on the street. When the FBI does what they are set up to do—to seek the truth and let the truth convict—they do their job right. But when there is an effort to cover up something that has gone wrong and people are more concerned about the headlines and the public relations of the organization as opposed to the fundamentals of law enforcement—that is, these cases and a lot of others I have already listed—that is when their agency gets in trouble and loses credit.

In regard to these agents who do their work and do it right and because of this management culture that must be changed by the new Director, I have asked the Attorney General to provide me with information regarding the extent to which the new FBI Director will be able to institute the departmentwide reforms and to make staffing changes, including changes at the senior staff and management level.

I believe that a new FBI Director will only have a certain period of time—maybe a couple of months—in which he can make real change. In order for the new Director to take advantage of that time, he must be afforded maximum flexibility for staffing and policy setting.

I also agree that we have not done enough in Congress. I am not putting the blame just on the Department of Justice and the FBI. We have a constitutional responsibility of oversight. We spend all of our time legislating, giving speeches, passing laws, voting, and offering amendments. That is what most people think being a Congressman is all about. But also, once laws are passed, the checks and balances of our Constitution require that we do our constitutional job of oversight; that is, to see that the laws are faithfully executed and that money spent appropriated by Congress is spent within the intent of Congress and that the law is enforced within the intent of Congress.

Congress does not do a good enough job. For too long we have seen mishap after mishap occur, with the end result being more money and more jurisdiction for the FBI. The Director of the FBI comes up to Capitol Hill, everybody sees the Director of FBI, and they just melt. The Director of the FBI says a couple of mea culpas and walks out of here with a nice pat on the back, and probably a bigger appropriation.

That is not oversight. That is just business as usual. One way this can be improved is through the creation of a subcommittee within the Committee on the Judiciary that would be directly responsible for FBI oversight.

We need to help the FBI change the kind of culture that places image and publicity before basics and fundamentals. We need to help the FBI change the kind of culture that holds press conferences in high-profile cases before the investigation is complete and all the facts are in, and when all the facts are in, then the FBI has egg on its face.

Yes, the American people deserve the kind of agency that won't make the kind of mistakes the FBI has made in the Wen Ho Lee and the Atlantic Olympic bombing case, and the Waco case and the Ruby Ridge case. But, more importantly, the American people deserve an agency that is honest and forthright about their errors; in other words, very transparent.

As one of our Supreme Court Justices said 80 or 100 years ago, the best disinfectant is sunshine. Let the Sun shine in and there won't be mold. That is transparency. That is the way the American Government ought to operate.

I look forward to getting down to the business of helping the FBI and its next Director regain the trust and confidence of the American people.

I yield the floor. I thank the Presiding Officer for waiting for me to speak tonight.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9 a.m. tomorrow, Thursday, July 12, 2001.

Thereupon, the Senate, at 8:23 p.m., adjourned until Thursday, July 12, 2001, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 10, 2001:

THE JUDICIARY

JAMES E. GRITZNER, OF IOWA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA, VICE CHARLES R. WOLLE, RETIRED.

MICHAEL J. MELLOY, OF IOWA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, VICE GEORGE G. FAGG, RETIRED.

MICHAEL P. MILLS, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF MISSISSIPPI, VICE NEAL B. BIGGERS, RETIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 11, 2001:

DEPARTMENT OF STATE

PIERRE-RICHARD PROSPER, OF CALIFORNIA, TO BE AMBASSADOR AT LARGE FOR WAR CRIMES ISSUES.

CHARLES J. SWINDELLS, OF OREGON, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NEW ZEALAND, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SAMOA.

MARGARET DEBARDELEBEN TUTWILER, OF ALABAMA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF MOROCCO.

WENDY JEAN CHAMBERLIN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

WILLIAM S. FARISH, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

FRANCIS XAVIER TAYLOR, OF MARYLAND, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE.

ROBERT D. BLACKWILL, OF KANSAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO INDIA.

ANTHONY HORACE GIOIA, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

HOWARD H. LEACH, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO FRANCE.

WILLIAM A. EATON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE ASSISTANT SECRETARY OF STATE (ADMINISTRATION).

ALEXANDER R. VERSHBOW, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE RUSSIAN FEDERATION.

CLARK T. RANDT, JR., OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF CHINA.

C. DAVID WELCH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ARAB REPUBLIC OF EGYPT.

DOUGLAS ALAN HARTWICK, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

DANIEL C. KURTZER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL.

OFFICE OF PERSONNEL MANAGEMENT

KAY COLES JAMES, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT.

FEDERAL LABOR RELATIONS AUTHORITY

OTHONEIL ARMENDARIZ, OF TEXAS, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 1, 2005.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING STEPHEN K. MORRISON, AND ENDING JOSEPH LAURENCE WRIGHT II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 12, 2001.